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Finis Tabulae

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THE DVITIES

OF

Constables, Borsholders,

Tythingmen, and such o-

ther lowe and Lay Mini-

sters of the Peace.

Whereunto be adioyned, the se-

uerall offices of Church Ministers,

and Churchwardens, and Ouerseers

for the Poore, Surueyours of the

highwaies, and Distributors

of the prouision against

noisome fowle and

vermine.

First collected by WILLIAM LAMBARD

Of Lincolnes Inne Gent.

And enlarged in the yeare.

1610.



LONDON,

Printed for the Companie of Stationers,

1614.

Cum Privilegio.

THE DUTIES

OF
Constables, Bortholders,
Tythingmen, and such
other low and Lay Mini-
sters of the Peace.

Whereunto be adjoyned, the se-
veral Offices of Church Wardens
and Churchwardens and Overseers
for the Poor, Surveyors of the
Highways, and Disturbers
of the Peace, and
other low and Lay Mini-
sters.

First collected by WILLIAM LAMBERT
Of Lincoln's Inn Clerk.

And enlarged in the year



LONDON,

Printed for the Company of Stationers.

1614.

Cum Privilegio.



The duties of Constables, Bor-
sholders, Tychingmen, and such

other low Ministers of the
Peace.



Understanding by
 sundry friends of
 mine, that many
 well-disposed men
 do earnestly wish,
 that someone short
 and plaine collecti-
 on might be made

The pre-
face.

of the duties of High Constables, petire
 Constables, Borsholders, Tychingmen,
 Hedborowes, and such like inferiour Mi-
 nisters of the Kings Maiesties Peace:
 to the end that when any of them should
 be called to any of the sayd offices (or the
 like) they might the better behaue them-
 selues in doing the same: I haue thought
 it a thing worthy the labour, to send a-
 broad amongst them this little Treatise,
 which I haue drawne to satisfie in some
 part their honest desire: heartily praying
 vnto God, that as their knowledge may
 be increased in the reading hereof, so also
 their diligence may be amended in the

practise of the same, to the setting forth of the glorie of God, and to the aduancemēt of the Kings Maiesties seruice in this behalfe.

The diuision of this worke.

2 And because I purpose (by the helpe of God) to make this worke so short, and so plaine withall, as the matter thereof if selfe will suffer me, and as the vnderstanding of vnlearned mē doth require: I wil first speake somewhat, both of the sundry names & beginnings of these officers, & then afterward I will go in hand with þ parts of their seuerall duties.

The names of the Officers.

3 The sundry names of Constables, or High Constables, that bee of Laths, Rapes, Wapentakes, Hundreds, and Franchises, and the diuerse names also of Constables, petie Constables, Tythingmen, Borsholders, Boroheads, Headborowes, chiefe pledges, & such other (if there be any) þ beare office in towns, parishes, hālets, tithings, or borowes (for the Constables, of Castles, otherwise called castellans, & such others I mean not to entreat) are all (in effect) but two, that is to say, Constables & Borsholders: for these two words do containe as much as al þ rest of thole names, & to those two al the rest of them may be reduced: and therefore in speaking seuerally of those two, I will passe along and touch all the rest also.

4 The name Constable, is made (as I have read) of two English words put together, namely, Cuning (or Cyng) & Staple, which do signifie, the stay (or hold) of the king. For by the auncient custome of this Realme, there is a great officer called the Constable of England, who by means of the high authoritie that he had, was a principall stay vnto the Kings government: and this man had iurisdiction & authoritie in deeds of Armes, & matters of warre, both within & without the realme. Out of which office, this lower constablenesship was at the first drawn & fetched, and is (as it were) a verie finger of that hand. For the statute of Winchester, which was made in the time of K. Edward the first, & by which these lower Constables of hundreds and Franchises were first ordained, doth (amongst other things) appoint, (that for the better keeping of the peace, two Constables in every Hundred and Franchise, should make the view of Armur.

Constables name.

his beginning.

So then, the name of Constable in a Hundred or Franchise doth mean, that he is an officer, that supporteth the Kings Maiesty in the maintenance of his peace, within & precinct of his hundred or franchise: & he is many times called the High Constable, in comparison of the Constables, or petty Constables, that be in the townes,

31.R.2.
cap.12.

13.E.1.

of parishes within his hundred or franchise: whose part it likewise is, to maintain the peace within the severall limits of their owne townes or parishes.

Borholders name

As touching Borholder (which is y^e other general name, & both contain within it y^e meaning of Tythingmen, Borowheads, Hedborowes, Thirdborowes, and chiefe pledges) that also is made up of the two English words, Borhes, & Ealder, of the which, Borhes betokeneth pledges, & Ealder signifieth the Chiefe, y^e Head, or the Ealder: & Borhscauder in one word, both meane the chiefe (or head) of the sureties, or pledges.

His two offices.

6 But now, that you may the better understand what is meant by this, you must further know, that every of these Borholders, Tythingmen, Borowheads, Hedborows, Thirdborows, & chiefe pledges, hath two severall offices at this day: the one being his ancient and first office, and the other his later made office.

His first office.

7 His first office beganne thus: by the ancient lawes of this realme (before the coming in of king Willia^m the Conquerour) it was ordained for y^e more sure keeping of the Peace, & for the better representing of theeves & robbers, y^e all free boyme men should cast themselves into severall companies, by ten in each companie: and that

Archaionomia.

that euery of those ten men of the compa-
nie, should be suretie and pledge for the
forth-coming of his fellowes: so that if
any harme were done by any of these ten
against the peace, then the rest of the ten
should be amerced, if he of their company
that did the harme should die, and were
not forth-coming to answer to that
wherewith he should be charged.

And for this cause, these companies be
yet in some places of England (& namely,
with vs in Kent) called Boroës, of the said
word Borhes, pledges, or sureties: albeit
in the westerne parts of this Realme they
be commonly named Tychings, because
they containe (as I told you) the number
of ten men with their families. And euen
as ten times ten do make an hundred: so,
because it was then also appointed that
ten of these companies should at certaine
times meete together for their matters
of greater waight, therefore that general
assembly (or court) was (and yet is) cal-
led a Hundred.

Furthermore it was the also ordained,
that if any man were of so evil credit
that he could not get himselfe to be recei-
ued into one of these Tychings or Boroës,
then he should bee shut vp in prison, as a
man unworthy to live at libertie, a-
mongst men abroad.

8 The duties of Constables.

Tithing-
man.
Headbor-
row, &c.

8 Now wheras euery of these Tithings (or Boroes) did vse to make choise of one man amongst theselues, to speak, & to do, in the name of them all: he was therefore in some places called the Tychingman, in other places the Boroes Elder (whom we now call Borsholder) in other places the Borohead or Headborow, & in some other places the chiefe pledge, which last name doth plainly expound the other thre that are next before it: for Head or Elder of y Boroes, & chiefe of the pledges, be all one And in some shires, where euerie Thirdborow hath a Cōstable, there the officers of the other two be called Thirdborowes.

Oldorders
in Ti-
things.

9 Moreover, in these Tithings (or Bo-
roes) sundrie good orders were obserued, &
amongst others: first, that euerie man of
the age of xij. yeares should be sworne to
the King: then that no man should be suf-
fered to dwell in any towne or place un-
lesse he were also receined into some such
suretiship & pledge as is aforesaid. Third-
ly, y if any of these pledges were impri-
soned for his offence, then he ought not to
be deliuered without the assent of the rest
of his pledges. Again, that no man might
remoue out of one Tithing (or Boroe) to
dwell in another, without lawfull warrant
in that behalf. Lastly, that euery of these
pledges should yearely be presented and
brought

Itin. Kane,

Vid. 45.
Ed. 3. 27.
Et Kitch.
Fol. 10.

brought forth by their Chiefe pledge at a general assembly for that purpose, which we yet in remembrance thereof do call the View of Frankpledge, or the Leet court. so Hitherto I have opened the ancient Office of the *Borsholder, Tythingman*, & the rest, wherof also there is yetto this day some shew or remnant in our *Leetes* (or *Law daies*) but if the verie substance thereof were throughly performed (as I knowe no let, but that by law it may) then should the peace of the land be much better maintained then now it is

As touching the latter office that these *Borsholders, Tythingmen, Headborowes, Boroheads, Thirdborowes, & chiefe Pledges* haue, it is in maner al one with the office of a Constable of a town, or parish, which is commonly named a petie Constable, or vnder Constable, because he is a small Constable in respect of the Constable of his hundred, within whose limit he is.

For as about the beginnig of the raigne of king E. 3. petie Constables were deuised in towns & parishes for the aid of the Constables of the Hundred: so of latter times also *Borsholders, Tythingmen, Headborowes, & such like* haue been vsed as petie Constables, within their owne *Borowes & Tythings*. And yet not so vniuersally, but that some of them haue at this

his latter
office.

this day none other but their olde office. For in some of the Westerne partes of England, you shal see, that where ther be many Tythingmen in one parish, there onely one of them is a Constable for the King, and the rest do serue but as the ancient Tithingmen did. Now therefore, hauing spoken of the names and beginnings of these inferior officers of the peace, let vs also come to y parts of their common and seuerall duties.

Division
of their
office.

11 For as much as a great and chiefe part of the duitie both of these high Constables, of Lathes, Rapes, wapentakes Hundreds, and Franchises: and also of these Constables, petie Constables, Tythingmen, Borsholders, Borowheads, Headboroughes, Thirdborowes, Chiefe Pledges, and such like ministers by what soeuer other names they called in any townes, parishes, Tithings, Borowes, Hamlets, or other places of the Realme, doth consist in the maintenance of the Kings Maiesties peace, wherein (as also in some other points) the power of them al is alike, and but one, within their seuerall limits and places of authority, therefore I thinke it good to shew first, what their common and equal dutie is in matters concerning the peace, either by their owne authoritie, or vnder the authoritie of

of others: the afterward to declare, what their common and like duetie is in some other things not concerning the peace: lastly, to open those things wherein they haue a distinct and seuerall duetie, one from another of them.

12 The Conseruation (or mainenance) of the peace standeth in three things, that is to say: first, in foreséeing that nothing be don, that tendeth either directly, or by means, to the breach of the peace: secondly, in quieting or pacifying those that are occupied in the breach of the peace: and thirdly, in punishing such as haue already broken the peace.

Their office concerning the Peace.

And heare, least any man should be deceived in not vnderstanding what is meant by these words, The breach of the peace, he must first of all know, that by breach of the peace, is vnderstood, not onely that fighting, which we commonly call the breach of the peace, but also that euerie murder, rape, manslaughter, and felonie, whatsoeuer, and euerie affraying (or putting in feare) of the k. people, whether it be by vnlawfull wearing of Armour, or by assembling of people to do any vnlawfull act, are taken to be disturbances or breaches of the peace.

What is the breach of the peace

13 But now, for the better preventing that nothing be done against the Peace, any

To prevent things against the Peace.

any of these Officers aforesaid may take (or arrest) suspected persons, which walk in the night, & sleepe in the day: or which do haunt any house, where is suspicion of badworke: and they may carry them before a Iustice of the Peace, to finde sureties of their good behauiour. And if any such Officer be not of sufficiēt strength to do that alone, then may hee take meete aide of his neighbors therto: & they, in such cases, be compellable to help and assist him.

Any of these Officers may also arrest such strange persons as doe walk abroad in the night season: and for that cause the said Statute of *Winchester* did ordeine, that night watches should be kept perely, from the feast of the Ascencion until Michaelmas, by sixe men at euerie gate of euerie Citie, by twelue men in euerie Borough towne, and in euerie other towne by sixe men, or foure men, according to the number of inhabitants in the towne, all the night long, from Sun setting to Sun rising: so that if any stranger did passe, he should be arrested till the morning, and then set at large (if no suspitiō were found of him) but if any suspitiō sel out against him, then he should be imprisoned, till he might be lawfully deliuered. And of these Watches, the officers before named haue the charge within the limits (or places)

of

Fit. in last;
del P. 171.

13. Ed. 1.

of their authorities, as the Constable in his towne, the Borsholder in his borow, & the high Constable within all his Hundred: and these Officers ought to see these Watches duly set and kept, and ought also to cause Huy and Cry to be raised after such as wil not obey the arrest of such watchmen.

Stat North.
4.E.3.ca.3.

Againe, if any person whatsoever (except the Kings servants and ministers in his presence, or in executing his precepts, or other offices, or such as shal assist the: and except it be upon Huy and Cry made to keepe the peace, & that in places where acts against the Peace do happen) shal be so bold, as to go, or ride armed, by night, or by day, in Faires, Markets, or any other places: then any Constable, or any other of the said Officers, may take such Armour from him, for the Kings use, and may also commit him to the Gaole. And therefore it shal be good in this behalfe, or these Officers to stay & arrest all such persons as they shal find to carry Dagges or Pistols, or to bee apparelled with privie coats, or doublets: as by the proclamation (made in the xxi. yeare of the Reigne of the late Queene Eliz.) they are specially commaunded.

11.Eli.Reg.

17.R.2.c.8.

Furthermore, if any great assembly or rumor of people be made in maner of insurrection,

lurrection, then the Sherifes, Constables, & these said other Ministers, having knowledge thereof, ought to go with y^e strength of the Countie, and to set themselves against it, and ought also to take and imprison such offenders.

Lastly, if any man doe threaten to kill another, and he which is so threatened doe pray any of these Officers to arrest the other to finde sureties of the Peace: then may such an officer arrest him to finde such surety before a Iustice of the Peace, and may also carry him to prison, if he refuse to find it: But if he yeld to go, it shal be good to take the partie threatened, to the Iustice with him.

Baire 201.
ca Fitzh.
22, Ed. 4.
35, Brian.

To pacifie
and punish
the breach
of the peace

14 Thus much I have spoken of those things which doe bend towards y^e breach of the peace: but now I wil come nearer to the breach it selfe, & withall to the pacifying and punishing of the same.

If therefore a Constable, or any other of the said officers, shall see any men going about to breake the peace, as by using heat words, by which an Affray is like to grow: then ought such Officers to command those persons to away, upon pain of imprisonment: and if they wil not depart, but shall draw weapon, or give any blow, then ought he to doe his best to depart them, and to keepe them asunder: &

hs

he may (for that purpose) both use his own
 weapon, and may also call others to assist
 him. In which doing, if any such Officer,
 or other person coming on his part, doe
 take hurt, he shall have good remedy by
 action against him that did the hurt: but
 if any of them that made the Affray, bee
 hurt by such officer, or by any of his com-
 panie, then such a hurt person hath no re-
 medie at all for it.

Ed. 4. 2. And if he that maketh an Affray, do flie
 into a house when such an officer cometh
 to arrest him: then may that officer break
 open the doores to take him: and if he that
 made the Affray, do flie from thence also,
 yet may the Officer follow him, and in
 fresh suit take him, though it bee in ano-
 ther Shire or Countie.

So, if two men be fighting together in
 a house (the doores being shut) yet may such
 an Officer break open the doores to cause
 the peace to be kept, though none of the
 parties have take hurt. And in both these
 cases such an officer may carrie them be-
 fore a Iustice of the peace to finde Suretie
 for the peace, because they have broken the
 peace already, and are meet to be bound
 that they shall not break it againe.

But if any of the parties to an Affray,
 have received any dangerous hurt, then
 ought such Officer to arrest him that did
 the

Fitzh. 72.
 3. Ed. 3.
 6. & 22.
 Li. 2. 56.

the hurt, & to carie him to the Gaole, there to remaine till he find suretie to appeare at the next Gaole deliuerie: otherwise, he may with lesse laboꝝ carie him to a Iustice of the peace, oꝛ to a Coroner, who ought to take oꝛder foꝛ such suretie because the fact may fall out to be Felony, if so be that he which was hurt doe happē to die within one yere and a day nex following such hurt vnto him.

And as these Officers ought to arrest s.H. 7.6. those that doe make assaut vpon any priuate person, so also may they arrest any such as shall make assaut (oꝛ Affray) vpon themselves whilest they be in doing their offices: & may foꝛ that purpose both lawfully defend themselves, and also take the offendōꝛs, & commit them to the Gaole, oꝛ carry them to a Iustice of the peace, foꝛ y finding of such surety as is aforesaid.

But if one doe assault a man in, oꝛ nigh Barre 101. the highway, to robbe him, and be taken in Fitzh. by the true man, oꝛ by any other, and bee brought to the Constable, oꝛ such other Officer of the place: then ought such Officer, not only to take him to his warde, but also to carrie him befoze a Iustice of peace to cause him to gine suretie foꝛ his Good abearing.

So, if any man doe suspect auother of s.E. ca. 14. Murder, oꝛ Felony, and doe declace the 17.E. 4.5 same

Ed. 49.

H. 7. 4. 5.

3. Ed. 3.
Lin. Nor-
thumb.

1.H.7.7:

And I like wel of their opinion, which
do hold, that if information be given to a
ny such officer, that a man and a woman
be in adulterie, or fornication together,
then

18 The duties of Constables,

then the officer may take companie with him, and that if he finde them so, he may carrie them to prison.

But this is to be marked, that in the cases befoze, and such like, where such an Officer hath arrested, or hath in his ward any offendour that ought to be carried to the Gaole, there such an Officer is not bound forthwith to carrie him, but may well for a reasonable time keepe him in the Stockes, untill that convenient provision of strength may bee made to convey him safely thither. And when hee shall bring such offendour to the Gaole, then ought the Gaoler to receiue the same freely, without taking any thing of the Officer for it.

Seruing
of precepts

15 Hitherto (as you see) I haue spoken of the Constable, & of these other Officers, so farre onely as they haue authority by their owne offices, without any commandement from others. But for as much as a great part of their dutie (concerning the Peace) resteth in the making of due execution of the precepts, of higher Officers, and especially of the Iustices of the peace, who be (as it were) immediately set ouer them, let vs also see after what maner these Constables, and other the said inferiour ministers of the peace, ought to behaue themselves, in that behalfe.

Albeit

Albeit then, that the said Officers be **Precepts.**
subiect to the commaundements of the
Iustices of Gaole deliuerie, and of Oyer
and Terminer, and of some Higher Iusti-
ces, yea, and to the pzecepts of Coroners
also, and of other Officers, in some cer-
taine cases, yet because most commonly
they are called vpon by the Iustices of
peace, they ought specially to shew them-
selves obedient to their **Precepts**, who
(as it may appeare by some old **Presti-**
dents) haue authozitie to remoue insuf-
ficient Constables and Borsholders, and
to substitute able persons in their place.
Neither ought these Officers to dispute
whether their commaundements be
grounded vpon sufficient authozitie, or
no: as knowing that although a Iustice
of the Peace (which is a Iudge of Re-
cord) should direct a Warrant beyond
his authozitie to a Constable, or one o-
ther of the said officers, yet shall such Of-
ficer be holden excused for executing the
same, howsoever that Iustice of Peace
himselſe be blamed for it.

If therefore a Warrant of the Peace,
or good abearing, happen to bee directed
to any of these sayd Officers, then ought
he with all speed and secrecie to find out
the partie: and then also may he lay his
hands vpon him, and shew him the mat-

14.H.8.

cap.18.

21.H.7. 22.

ter, and require him in the Kings name to goe with him, to put in suretie according to the Warrant. And this if the partie shall refuse to doe, then ought such Officer forthwith to arrest him, and to conuey him to Prison, without carrying him to any Iustice: in which doing, if the partie shall offer any resistance, or shall seeke to escape, then also may such Officer iustifie the beating, or hurting of him.

But if the partie shall yeeld to goe and giue Suretie, and yet will not goe to such Iustice as made out the Warrant, but to some other Iustice, then ought such Officer to giue him that libertie, so that it bee not farre out of the Limite: for els so great trouble might followe vpon the Officer, as rather hee, then the offendour, might seeme to be punished by it.

And here the Officer must take regard, and consider whether the Warrant doe come directly from y^e meere authority of the Iustices of Peace, or else be grounded vpon a Writ of Supplicavit sent downe from higher authority (which difference ought to appeare plainly in al Warrants that be wel and orderly made.) And if the Warrant be grounded vpon such a Writ, then may such Officer compell the partie to goe to the verie same Iustice or Iustices

of

of Peace that made out the Warrant, and otherwise he may carry him to prison, as is said before.

Neither is it requisite, that such an Officer should haunce after the party (as many be to doe) vntill hee can finde out sureties: but he may lawfully keepe him, vntil that he can get sureties to come vnto him: the ignorance of which point is the cause, both that many an euill man escapeth, and many an honest Officer is punished for it.

But here it happeneth many times, that the partie (hearing that such a Warrant is graunted against him) offereth himself with sureties, for that cause, vnto some other Justice of peace, or findeth such suretie in some of the Courts at Westminster, and so hath a *Supersedeas* readie to shewe such Officer, as cometh to him with a Warrant as is aforesaid. Now, if that be so, then is the Officer discharged thereby, and ought not any further to molest the partie. But yet it shall be good, that such Officer doe keepe the *Supersedeas* for his better discharge, & shew it to the Justice from whom he receiued the commaundement of service, least otherwise he be called to account for not seruing the Warrant that was sent vnto him.

If a Warrant bee directed to a Constable,

ble, or such other Officer, to arrest one that is indicted of Felonie, then may such Officer iustifie the killing of such a party, if it be so, that hee cannot otherwise take him: or if so be, that he resist, or flie, when he is taken.

22. Lib. Ass.
55.

Coron. 268

288. 328.

in Fitzh.

Finally, the Constable, or such other of the sayd Officers, having arrested any to be conveyed to the Gaole, must take good heed, that he doe not willingly, or negligently, suffer such partie to escape from him. For if the arrest were for Felonie, the by a willing escape, the Officer himselfe becommeth a Felon also. And of whatsoeuer other kinde the offence be, if the Officer doe, by his will, or negligence, suffer the party to escape from him, he shall be fined for it, according to the quantitie of his fault, by the discretion of those that shal be Iudges of it. And least any such Officer should flatter himselfe, in thinking that he may passe through with some easie Fine: I let him knowe, that the Iudges of his fault may set his fine, equall with the value of all his goods, if in their discretions his default do so require.

11. H. 4. 24.
Stamf. 35.

The equal
dutie of
these Offi-
cers, in

16 Thus haue I performed the first part of my promise, and haue shewed what is the equall and like dutie of euerie of the sayde Officers in matters concerning

cerning the Peace, both by their owne authority, and also in doing the commandments of the Iustices of Peace: Now therefore I must goe forward to the second part of my purpose & am to declare their like dutie in other points of seruice, that do not concerne the peace, For equal power is indifferently giuen to any of those *Officers* by some *Statutes* of the Realme, whereof those that follow be the chiefe, & principall.

matters besides the Peace.

34.H.8.cap.
10.& 37.H.
8.c.7.

17 All Constables, and other the said Officers, ought to be attendant, ayding, and assisting to the Iustices of Peace, for the execution of all and euerie the Acts (made in, or before the Parliament, holden in the 33. yere of the raigne of king Henric the eight) concerning Reteriors, giuing of Liueries, Maintenance, Embrace-rie, Bowstaues, Archerie, Vnlawful games, Forestallers, Regrators, Vitaile, Vitailers, and Inholders, or any of them upon paine that the said Constables & other the said Officers shall make such Fines, as by two of the said Iustices of Peace shall be assessed.

Attendant for the execution of statutes.

14.H.8.cap.
4.5.
32 H.8. c.2.
1. Ma. par.
1.cap.9.

18 All Constables, and other the said Officers within London, or within seven miles therof, ought (upon request made) to aid and assist the President of the Colledge of the Physicians of London, and o-

Physicians

24 The duties of Constables,

ther persons authorized for the due execution of the Statutes made concerning Physicians, Apothecaries, and Surgeons.

Purueis
ors.

19 If any person shall (without lawful bargain) purueis or take any thing of any of the Kings liege people, to the vse of any (other then the King & his house) and therof notice be giuen to the Constable, or such other Officer of the place, the such Officer ought (vnder the paine of xx. pounds) to arrest such taker, and to carrie him to the next prison. 23. H. 8. ca. 14.

No Purueisour of the King ought to take any horse, or cart, but by the deliuerie of the Maior, Bailife, Constable, or such other officer of the place whence that taking shall be. 28. H. 6. sta. 2. c. 2.

Corne ought to be taken for the Kings house, by striked measure of eight bushels to the quarter, according as is vsed throughout the land: and the takers of all things to bee taken for the Kings house, shall make their purueiance by the verie value thereof, by the view of the Constable or other such Officers, and by appraisement vnder oath of foure other good men of the towne, where the taking shall be: & such takings shall be made without drining the praisors by compulsion, menacing, or other villaine, to set any other 25. E. 3. ca. 1.
36. E. 3.
stat. 2. ca. 3.

ther price then their oath will, & as commonly runneth in the next Markets.

2. & 3. P. &
M. cap. 9.

Takers Undertakers, their Deputies or servants, shall not take any Beefes, Weathers, Lambs, Calves, or any kind of Saltfish, or any kind of graine, or any Butter in any Vessels, or Cheese, Bacon Conies, Pigs, Geese, Capons, or Hens, but by Commission and a Blanke thereto for that shire annexed: in which Blanke, the said severall things to be taken, and the prices of them shall be written, and to which Blanke the high Constable, petite Constable, or Heahborough of the place where any such taking shall bee, ought to subscribe his name or signe manuel. And such taker ought the also to make a brieve or Docket in writing subscribed with his name, containing everie of the said things so taker in every place: and ought then also (under the paine of an hundred markes to deliuer the same to the saide High Constable, petite Constable, or Headborough, who also ought to deliuer it over to the Iustices of the peace at their next generall Sessions within that Countie.

10. E. 3. c. 1.

20 In the takings for the Kings house, Tailles (or Indentures) ought to bee made and sealed betweene the taker and the owner (in the presence of the Constable,

26 The duties of Constables,

ble, or such other officer, and the praisers of the place) by which Tailes (or Indentures) satisfaction ought to be made to the owner for his things so taken.

21 If any Taker will make purue-^{20.H.6.c.8}ance of any things (not exceeding the value of forty shillings and make not ready payment in hand therfore, it is lawfull for the owner to retaine the thing so taken and to resist such purueance: and the Constable, Tichingman, or chief pledge of the place (being thereto required by the owner) ought to aide and assist such owner in making such resistance, vnder paine to yeeld vnto him the value of the thing taken, and his double dammages.

Soldiers.

22 All Constables and other the Off-^{18.H.6.c.15}icers aboue said, of the parish or place, where any of the Kings Soldiers beyond the seas being mustered of Record, shall happen to arrive, may arrest & stay such soldiers, till it be inquired, whether they be lawfully departed from their Captains or no.

Coroners.

23 All Constables and other the said^{21.H.8.c.2.} Officers, must be attendant vpon Coron-^{22.H.8.c.14.}ers, for the abiuring & conueying of such^{22.H.8.c.3.} persons, as shall take the Churchyard as a Sanctuarie, for safegard of their liues, by occasion of any Felony by them done.

24 By

24 By warrant of such Iustice of peace
 3. lac. ca. 10 as committed an Offendoꝝ to the com-
 mon gaole, the Constable of the hundred,
 oꝝ the Constable oꝝ Tythingman of the
 Tything oꝝ Township, where such offe-
 doꝝ dwels, from whence he was commit-
 ted, oꝝ where he hath any goods, may sell
 such goods of y^e sayd Offendoꝝ as by the
 discretion of the said Iustice will pay the
 charges of his conueying to y^e said Gaole:
 the Appzaisement to be made by foure of
 the honest Inhabitants of the Parish oꝝ
 Tything where such goods shalbe, & the
 Querplus of y^e money made thereof to be
 delinered to the party to whom the goods
 shall belong: And if such Offender haue
 no goods, an indifferēt tare therfoze shall
 be made by the Constables & Churchwar-
 dens & two oꝝ thzee other the honest inha-
 bitants of the Parish, Township, oꝝ Ty-
 thing, where such offender shalbe taken,
 & in default of thē by foure of the pꝛinci-
 pal Inhabitāts of y^e said Parish, Town-
 ship, oꝝ Tything: which taxation being
 allowed vnder the hand of a Iust. of peace,
 if any so taxed refuse to pay the same tax-
 atio, by Warrant of such Iustice of peace,
 the Constable, Tythingman, oꝝ other Of-
 ficer there, may distraine and sel (by such
 appzaisement as aforesaid) the goods of
 such refuser; and the Querplus of money
 come

Charges
 of conuey-
 ing Offen-
 ders to the
 Gaole.

28 The duties of Constables,

some by the sale thereof to bee deliuered to the Owner.

Rogues
& Beggars

25 The Iustices of peace of euery countie twice in a yeare, and oftner if occasiō be, are to assemble and meete together for the better execution of the Statute made 7. Iacobi Regis cap. 4. against Rogues and Vagabonds; And foure or fīue daies befoze such Assemblie the same Iustices, or the moze part of them may commaund the Constables and Tythingmen of euery Hundred, Towne, Parish, Village and Hamlet, with the assistance of sufficient mē, to make a general priuy search within their seuerall limits for Rogues, Vagabonds, wandring and idle persons; & such as they haue found and apprehended in the said search, they are to bring befoze the said Iustices at their said Assemblie, there to be examined of their idle life, punished, or otherwise by warrant of such Iustices sent to the house of Correction within the said Countie, there to be deliuered to the Master of such house or his deputie to be set to labour and worke. At which dayes of Assemblie the said Constables, and Tythingmen, must appeare in their seuerall diuisions befoze the said Iustices and giue account in writing, & vnder the hand of the Minister of the parish, what Rogues, Vagabonds & wandring

7. Iac. ca. 4.

bring persons they haue apprehended both in y^e same search & between euery such Assemblies, & how many haue bin by them punished, or sent to y^e houses of Correction: Which if y^e said Cōstables or Tythingmen neglect to perform, or to conuey safely all such Rogues & idle persons, at the charge of y^e Hundred, as by y^e Just. of P. warrants are sent vnto the houses of correction; they do therby forfeit such Fines as the said Iustices shall think fit, not exceeding 40. s. for euery offence.

Al these things heretofore reherſed, whether they concerne the preſeruati-
on of the peace, or any other matter beſides the peace, may & ought to be done & executed indifferently (as I think) by any of the ſaid Officers within the precinct of his authoritie: that is to ſay, as well by the *high Cōſtable* of the whole *Hundred* or *Franchiſe* within his *Hundred* or *Franchiſe*, as by the *Cōſtable*, *pettie Cōſtable*, *Tythingman*, *Borsholder*, *Borough*, *Headborow*, *Thirdborow*, or *chief pledge*, within his *Town*, *Parish*, *Tything*, *Borow*, or *Hamlet*: and that ſo, as none of them hath more power of office therein then the other, although ſome of them haue larger limit of place then the reſt. But now I am come to ſuch things, as do ſeuerally belong to ſome of theſe Officers, ſo as the other may not meddle therewith, which is the third part of my promiſe) and therefore I will take

High Cōſtable of a Hundred.

takethat in hād also: & because the *Constable* of the Hundred or Franchise, is the greatest of these Officers, both in respect of his larger precinct of place, & also of the higher trust that is committed vnto him, I wil begin at him: who, as he is not by and by set alone, but is for some matters no further authorized then some other of the said *Officers*, so I wil first beginne at those, and then come to the rest that belong onely to himselfe.

Prisoners.

26 The money appointed to be leuied 14. El. ca. 5.
by the Churchwardens of euery Parish each Sunday, for the reliefe of prisoners in the Gaole, ought (vnder the pain of v. l.) to be paid by them once euerie quarter of a yeare, to the High Constables, or head Officers of euery Hundred, Riding, Wapentake, towne, or parish: & the said high Constables, or head Officers ought (vnder the paine of five pounds) to payuer the same money so to them paid, at the next quarter Sessions of the Peace, to the person appointed by the Iustices of Peace to receiue the same.

It seemeth to me, that in this case next aboue, the wordes high *Constables*, high *Tythingmen*, and head *Officers*, do exclude *Petrie Constables*, *Borsholders*, and such like to meddle therein: because none are called *High*, or *Head*, but in comparison of *Low* and *Base*. Now therefore I wil speake
of

of matters concerning the high Constable of the Hundred alone.

5.El. ca. 4.

27 High Constables of Hundreds in all such Shires, where petty Sessions for servants and laborers (otherwise called Statute Sessions) were used to be kept before the first day of the Parliament holden in the fifth yeare of the Reigne of our late gracious Qu. Elizabeth, may yet still hold their said Sessions, so that nothing be done in them, repugnant to the Statute of laborers and servants made in the same Parliament.

High Constable alone

Petty Sessions.

13.Ed.1.sta. Winton.

28 The Constables of hundreds, and of franchises, ought to make presentment to the Justices of Peace, and to all other Justices thereto assigned, of the defaults of Watches, and the defaults of the Kings High-ways, not enlarged so, as no ditches, underwood, or bushes be within two hundred foot on euerie side of the same: and also of such as lodge strangers in bylandish Towne, for whom they will not answer.

Watches and high-ways.

4.E.4. ca. 1.

29 Clothmakers ought to pay the wages of their Carders, and other workefolks, in lawful money, and not in pins, girdles, or such other things: and to deliver their wools by faithful deliuerie, and due weight, vnto them to bee wrought: vpon paine of forfeiting y treble of their wages

Clothiers.

take that in hand also: & because the *Constable* of the Hundred or Franchise, is the greatest of these Officers, both in respect of his larger precinct of place, & also of the higher trust that is committed vnto him, I wil begin at him: who, as he is not by and by set alone, but is for some matters no further authorized then some other of the said *Officers*, so I wil first beginne at those, and then come to the rest that belong only to himselfe.

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High Constable alone

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29 Clothmakers ought to pay the wages of their Carders, and other workefolks, in lawful money, and not in pins, girdles, or such other things: and to deliuer their wools by faithful deliuerie, and due weight, vnto them to bee wrought: vpon paine of forfeiting y treble of their wages

Clothiers.

32 The duties of Constables,

wages not so paid, and 6. pence for every delivrie of such excessive weight. And the said Workfolkes ought to doe their occupations duly, upon paine of double damages to the partie grieved. And everie Constable of the hundred may heare & determine the complaints aforesaid by examination of the parties, and may commit to the Gaole such as refuse to pay the said Workfolkes.

High
waies.

30 Estreats indented ought to be made by the Clerks of the peace, and by Stewards of Leetes, of all forfeitures rising in the Sessions of the peace, or in Leetes, upon the statutes of high-waies: of which Estreats one part ought to bee delivred verely within six weekes after Michaelmas, to the Bailife or high Constable of the Hundred, Lath, or wapentake, wherein the default was committed, and the other part to the Constable & Church-wardens of the Parish in which the default was made, to the intent, that such Bailife or chiefe Constable may thereby leuy by distresse the same forfeitures, or the double thereof, (if no distresse can be found, or if such forfeitures be not paid without 20. daies after a lawfull demand of the same by the said officer) & to the intēt also that the said Constable and Churchwardens of the parish may therby cal the said Bailife,

2. & 3. P. &
Mar. ca. 8. &
5. El. ca. 13.

or high Constable to account befoze two Iustices of the Peace (the one being of the Quorum) between the first day of March & the last of April yerely for the said forfeitures, which ought by the said Churchwardens to be bestowed on the Highwaies in their parish. And upon such account, & uerie such Bailife, or high Constable shall haue for his paines vij. s. of euery pound lentied and paid by him, & may also retain ij. s. for the fee of the Clarke of the peace, or Steward of the Leete, for euerie such Estreate by any of them deliuered, as is aforesaid.

43. El. ca. 3.

31 The high Constable (in whose li- mit y parish is scituat) must pay at euery Quarter Session to one of the Treasurers of the shire, such money as the Churchwardens there haue paid to him, for y prisoners in the Marshalsey & Kings bench, upon paine of x. s. to be lost for euery default, 42. El. ca. 3. 1. Iac. c. 35.

Marshalsey and Kings Bench.

32 And the like must be done (vnder the paine of xl. s.) with that money which the Churchwardens bring to him for disabled Souldiers.

Souldiers

3. Iac. ca. 4.

33 The chiefe Constable of y hundred (where there be no Churchwardens or Constables of any Towne, Parish, or Chappell in such Hundred) ought once a yeare to present at the Quarter Sessions, the
C month

Deposits &c. culants.

monthly absence from Church of popish recusants within such townes and parishes, & the names of their children of 9. yerres old & upwards abiding with their said Parents and the age of such children as neere as they can, as also the names of the servants of such recusants: vnder paine of losse of xx. s. for euery such default. And if vpon such presentment the partie happen to be indicted & conuicted (not being for the same absence before presented) the said Constable is to haue a reward of xl. s. out of such recusants goods.

Constable
of a towne.

Next after the Constable of the Hundred, Wapentake, or Franchise, followeth the Constable of a Town, who is somewhere called a *high Constable*, for that he hath there a *perie Constable* vnder him, & is sometimes also termed a *head Officer*, because in some Corporate Townes Constable is part of the name of their *Incorporation*. And now also because there be sundrie things that are by the Lawes indifferently referred to him, or to the *Tythingman*, *Borsholder*, or such other inferiour Officer of the place: therefore I will first set down those, & then afterward speake of the rest that are committed to him onely, and to none of them.

Alchouse.

34 If a comon Inholder, or Alehouse-keeper, will not logde such as trauaile, & Muler, Constable, or other officer of the towne

5. Ed. 4. 3.
Acc. iur.
case B. 76.

to tyme may compell him thereto.

7. El. cap. 4. 13. 5. No person retained in husbandrie, Servants

4. 9. 13. 17.

or in any the Arts appointed by the Statute of Labourers (made in the fift yeare of our late Soueraigne Lady Queen Elizabeth) may depart, after the tyme of such retainour expired, out of the Towne or Parish, where he last served, to serue in another, unlesse hee haue a Testimoniall vnder the Seale of y^e Constable or other such Officer, and of two other honest householders of the Towne or Parish where he last served, according to this forme.

Memorandum, that A. B. late seruant of C. D. of E. in the Countie of K. husbandman, or Tayler, &c. is licenced to depart from his said Master, and is at his libertie to serue elsewhere, according to the Statute in that case made and provided. In witness whereof, &c. dated the day, month, yeare, and place, of the making thereof, Which Testimoniall the parson, Vicar, or Curate of the parish where such Master, Mistresse, or Dame doth dwell, ought to register, taking only ij. s. therefore. And if such person bee accepted into any other seruice, without shewing such Testimoniall, to the Constable, or such other Officer, Curate, or Churchwarden of the place where hee shall bee accepted, he shall be imprisoned til he procure such

a Testimoniall, which if he doe not witte in twelue daies next after the first day of his imprisonment, he shal be whipped as a Vagabond.

Labozers.

36 In the time of Hay, or Cornehar-
uest, the Constable, or such other Officer,
of any township, upon request made, and
for auoiding y^e losse of any corne, graine,
or hay, may cause all such Artificers, and
persons (as be meete to labour) by his dis-
cretion to serue by the day, for the mow-
ing, reaping, shearing, getting, or innung
of corne, graine, or hay, according to the
skil and qualitie of the person: and if any
such person shall refuse so to doe, then
ought such Officer (vnder the pain of forty
shillings) to imprison such refuser in
the Stockes, by the space of two daies &
one night.

highwaies

37 The Constable, Borsholder, or other
such Officer, and the Churchwardens of
euery Parish, ought yearely upon the
Tuesday or Wednesday in Easter week,
to call together a number of the Parishi-
oners, and to chuse two honest men of
their parish, to be surueyors of the works
for amendment of the high waies within
their parish leading to any market towne:
and ought then also to appoint five daies
for the amendment of those highwaies
before Midsummer then next following:
AND

and ought openly in the Church, the next Sunday after Easter, to giue knowledge of the same five daies.

1. & 3. P.
& Mar.
cap. 8. and
5. El. c. 13.

They also ought to haue one parte of the Estreates indented, and may call the Bailife or High Constable, to Account, concerning, & forfeitures, for default of amending Highwaies, as hath already appeared before. And they also, or any of them may leuie by Distresse, and by sale of such Distresse, all summes of money forfeited for any cause within the statute of Highwaies made in the eightene yere of the late Queene Elizabeth, (if so be that the Surueiours of Highwaies, shall not before haue leuied and imployed the same, within one yere next after the offence committed) and shall yelde Accompt therfore before two Iustices of the peace, as is afore shewed.

18. El. c. 10.

31. El. c. 19.

38 The forfeitures against the Statute for amendmēt of the annoyed Highwaies in the Wealds of Kent, Surrey, & Suffex, ought after cōuictiō therof to be leuied by distresse, by the Cōstables, Headborowes, Tythingmen, or other such Officers there, upon warrant from the Clerke of the peace in open Sessions, or from two of the Iustices that were at such Session, the one of them being of the *Quorum*.

Highwaies

37. El. c. 13.

39 After such time as the two Iustices have & cry

of peace, haue ratably assessed euery town,
and parish towards the payment of the
damages that any person hath recovered
against him of the hundred wherein hee
was robbed, vpon the statute of Hue and
Crie: then may the Constable, or Head-
borough, of euery such towne and parish,
ratably within his limit, take (according
to their abilities) euery dweller in euery
such town or parish, toward the payment
of such assessment made by the Iustices: &
may also distraine euery person by his
goods and cattels that shall refuse to pay
the same, and may sel the distresse, and re-
taine so much thereof as the taxation shal
be, & deliuer the ouerplus to the person so
distrained. And shal (within x. daies next
after he hath leuied the said rates) deliuer
the same to the said Iustices, or one of thē
to the vse of the partie robbed.

**Depith re-
citant.**

40 The Minister (or Curat of the Pa-
rish, and the Constable, Headborough, or
Tythingman of the Town, to which any
Popish Recusant shall be sent by order of
this Statute, shall take notice thereof by
him, & shall enter the same into a Booke
to be kept in every parish for y^e purpose
and shall certifie the same to y^e next Quar-
ter Sessions of the peate in that Countie.

Erdbgze-
berg.

41 The Constable or other inferior Officer, must whip such hedgebreakers, rob

robbers of Orchards and gardens, cutters of cornee wood, &c. as be for that purpose committed vnto them by the Iustice of peace, vpon pain to be committed to common gaole without baile or mainprise till it be done.

1 Jac. ca. 31

42. Every Constable & other Officers doth wilfully make default in leuying such money as they are commanded by warrats of Maiors, Bailifes, head Officers, or Iustices of Peace (having tared the same for Reliefe of the pooze infected with the plague) doth forfeit, for euerie such offence, xx.s. to the vse of such persons infected. And euery Costable, Headborow, or other Officer) if the infection be out of any Citie, Borough, towne Corporate, Priuiledged place, or Market towne) may comand or appoint persons infected, or being, or dwelling, in any house infected, to keepe their house for avoiding of further Infection: and if notwithstanding such persons do wilfully & contemptuously disobey such direction & appointmēt, offering & attempting to break or go abroad, & to resist, or going abroad, & resisting such keepers or watchmen as are appointed to see them kept in: it is lawfull for such watchmen with violence to enforce them to keepe their houses. And if any hurt come, by such inforcemēt to such

Plague.

40 The duties of Constables,

disobediēt persons, & said keepers, watchmen and other their Assistants shall not be impeached therefoze. And euerie infected person so commanded (by the said Cōstable, Headborow, or other Officer) to keep house, which contrarie to such cōmandement wilfully & contemptuously goeth abroad & conuerseeth in companie, having any infectious soze vpon him incurred becometh a felon: But if such person haue not any such soze found about him, then for his said offence he is to be punished as a Vagabond ought to bee by the statute 39. Eliz. ca. 4. And further to be bound to his good behauiour for a yeere.

Drunken-
nesse.

43 And because, by the statute 4. Ia. c. 5. (made against drunkennesse.) All Constables, Churchwardens, Headborowes, Tythingmen, Alecunners, and Sidemen, shall in their oathes incident to their Offices, be charged to present the offences contrarie to the same statute, therefore it shall not be amisse to set befoze them the effect of the said Statute, as followeth. Euerie person that shalbe drunke & thereof lawfull convicted, shall for the same offence forf. five shillings to be paid within a week after such cōuictiō to the Churchwardens of the parish where the offence was committed to the vse of the poore of the same parish: And on neglect or refusal to

to pay the said forfeiture, the same shall be
 levied of his goods of the offender by war-
 rant from the Court, Judge, or Justices,
 before whom the same conviction was:
 And if the offender be not able to pay the
 said five shillings, he shall be set in stocks
 for six houres. And everie Constable or
 other inferiour Officer, to whom that shall
 be given in charge by precept of any Ma-
 ior, Bailife, head Officer or Justices of
 the Peace within their severall limits,
 that doth neglect the due correction of the
 said Offender, or the due levying of the
 said penalties wher distresse may be had,
 shall forfeit ten shillings to the poore of the
 parish or place where the offence was com-
 mitted: to be levied by distresse (by any
 person having warrant from the Maior,
 Bailife, or other head Officer, Justices of
 Peace, or Court where such conviction
 shall be) and to be paid to the Churchwar-
 dens, as before limited. And every person
 which doth continue drinking in any Inn,
 Mictualling house or Alehouse, in the same
 City, Towne, Village, or Hamlet wher-
 in he dwelleth, (other then such as are in-
 vited by Travellers: laboring & handi-
 crafts men in Cities, Townes corporate
 & Market townes, upon usuall working
 daies, for one hour at dinner to take their
 rest: laborers and workemen, which for
 fol.

following of their worke, sojourne, lodge
 or bictual in any Inn, Alehouse, or victu-
 alling house) other then for vegerit occasi-
 ons, allowed by two Iustices of Peace, &
 the same be seene by any Maior, or other
 head officer, or Iustice of P. within their
 seuerall limits, or proued by oath of 2 wit-
 nesses before any such Maior &c. shal ther-
 fore forfeit 3 .s. 4 .d. to the vse of y^e poore of
 the parish wher y^e offence was committed,
 to be leuied as aforesaid. And if such Of-
 fendor being lawfully conuict, be not able
 to pay the said forfeiture, then the Maior
 Bailiffe, head Officer, Iustice of peace, or
 Court, where such conviction was, may
 set such offender in the stocks 4. houres
 And all the said offences are to be presen-
 ted (by such Constables, Churchwardens,
 and other inferior Officers) before y^e Iu-
 stices of Assise, in their circuit, Iustices
 of P. in their Sessions, Maiors, Bailiffs,
 or other head officers of cities or townes
 so: or at having power to inquire of tres-
 passes, and in Court Leets. And every
 person being a second time conuicted of
 Drunkennes, shal be bound with 2 sure-
 ties in Recognizance of 10. li. to be faith-
 thelesforth of good behauior. But no per-
 son shal be punished for any offence men-
 tioned in this Act. vnles he be for the same
 presented, indicted, or conuicted within 6

moneths after the offence committed. Setting
dogs, and
nets.
 7 Jac. cap. 11. 44. Everie Constable & Headborow, by
 warrant under y^e hand of 2. Iustices of P.
 may search y^e houses of persons suspected
 (other the such as have 40. l. yerely of In-
 heritance, & 0. l. yerely of Freehold, to bee
 worth 400. l. goods) for Setting dogs or
 nets for taking of Felants and Partrid-
 ges, and the same may take, kill, and rāt
 in peces, as things prohibited, & forfeit
 ten shillings of y^e said Officers as shall find
 out and take the same.

39. El. ca. 4. 45. Every of these persons following,
 and being above the age of seaven yeres,
 is by the law declared to be a Rogue, Va-
 gabond, or sturdy Begger: that is to say:
 Every person that calleth himselfe a
 Scholler, and goeth about begging: or
 needy Seafaring-man (not having suffered
 Shipwracke, nor having lawfull Testimo-
 niall from a Iustice of Peace, of, or neere
 the place where he landed) that goeth a-
 bout begging, or exceedeth the limits of
 such Testimoniall: Every Idle person that
 goeth about begging, or that useth any
 Subtil craft, or unlawfull game or play,
 or that faineth knowledge in Physio-
 nomie, Palmistrie, or other like craftie
 Science, or pretendeth to tell Destinies,
 Fortunes, or such like Phantasticall ima-
 ginations. Every wandring person that
 utte,
 who be
 Rogues.

uttereth himself to be a Proctour, Procurer, patent gatherer, or collector for any Gaole, prison or Hospitall. Every Fencer, Bearward, Minstrel, or cunning player of Enterlude, other then such player of Enterlude as belongeth to a Baron or other honorable person of greater degree, & be authorized vnder his hand and seale of Armes. (But see the statute made in the first yeare of the raigne of our Soueraigne Lord King Iames, c. 7. That from thenceforth no authority to be given or made by a Baron of this Realme, or any other Honorable personage of greater degree, vnto any other person or persons shalbe available to free & discharge the said persons or any of them from the paines & punishments in the said statute (made anno 3. Eliz. cap. 4.) mentioned, but that they shal be taken within the offence, and punishment of the same statute.) Every Iugler, Tinker, Pedler, Perichapman, or Glassemán that wandreth abroad. Every Wandring person, or common Labourer not having otherwise then by labour to maintaine himselfe, & being able of bodie, that refuseth to worke for lawfull Wages. Every person, deliuered out of Gaole, that beggeth for Fees, or trauielleth begging. Every one that pretending losse by Fire, or otherwise, wandreth begging

1. Iac. cap. 7.

1. Iac. cap. 7.

ging. Every one (not being a Felon) that pretendeth to bee an Egyptian, or wandreth in the forme (or habit) of counterfeit Egyptians. Every impotent, and diseased person (being lawfully licenced by two Iustices of the peate to go to Bath, or Buxton) that forbeareth not to begge, or returneth not according to such Licence: and every poore person (appointed to aske reliefe in his parish by the Overseers) that beggeth in any other sort then is appointed.

1. Jac. c. 31.

(By the Statute made ann. 1. Jac. cap. 31. Such as wilfully goe abroade out of houses infected with the Plague, (being commanded to keepe house) though they have no soze about them, are punishable as Vagabonds in all respects ought to be by the Statute (39. Eliz. cap. 4.) And by the Statute made anno 7. Jac. cap. 4. Able persons, running out of their Parishes and leaving their families vpon the Parish, shall be taken and deemed to bee Incorrigible Rogues, & indure the paines of Incorrigible Rogues.)

7. Jac. ca. 4.

The Constable, Headborowe, and Tythingman, of the Hundred, Parish, or Tything, shall vpon the taking of euery such Rogue, (the Tythingman, or Headborough being assisted with the aid of the Minister, and one other of the parish)

parish) appoint y^e same Rogue to be stripped naked from the middle upward, and be openly whipped untill his or her body be bloody, and shall forthwith send such Rogue from parish to parish (by the officers of the same) the next straight way to the Parish where such Rogue was borne, if that may be knowne by his or her confession or otherwise: and if that cannot be knowne, then to the Parish where he or she last dwelt before that punishment by the space of one whole yeare: and neither of them being knowne, then to the parish through which he or she last passed without punishment.

After which whipping, such Rogue shall haue a Testimoniall, subscribed and sealed with the hands and Seales of the said Constable, Headborough, Tythingman, and Minister, or of any two of them, the substance of which shall be Registered by the Minister in a booke to be provided for that purpose, vnder the paine of five shillings for euery default thereof.

And the forme of that Testimoniall may be thus:

ent.
A.B. a sturdie Rogue, of tall Staturo, red haired and bearded, about the age of 30. yeeres, and hauing a wart neere vnder his
right

right eye, borne (as he confesseth) at East
Tilburie, in Essex, was taken begging at
Shorne in this county of Kent the 10. of
March, 1598. and was then there lawfully
whipped therefore, and he is appointed
to goe to East Tilburie aforesaide the di-
rect way by Grauesend, ouer the River of
Thamise: for which hee is allowed one
whole day, and no more at his perill:
Subscribed and Sealed the day and yeare
aforesaid.

S. C. D. Minister
By vs S. E. F. Borsholder S. of Shorne 27
S. G. H. Parishioner S. aforesaid.

And if such Rogue doe not accomplish
the order of such Testimoniall, then is he
or shee to be Whipped at euerie place for
euery such default, til he or she repaire to
the place so limited for him: And this
Testimoniall must bee carried with him
from Officer to Officer as is aforesaid:
wherein it is needfull to set down some
speciall marke of the body of the Rogue
to the end that neither one Officer de-
ceiue another, nor the Rogue deceiue
them all.

But if such Rogue so taken appeare to
be dangerous to y^e inferior sort of people
there, or will not be reformed from Ro-
guish life, by the meanes aforesaid, then
any two Iustices of peace of that limit (the
one

one being of the Quorum) may committe
such Rogue to the house of correction or
Goale.

(By the statute an. 1. Jac. ca. 7. **Everie** 1. Jac. ca. 7.
person ought to apprehend or cause to be
apprehended such Rogues, Vagabonds, &
Sturdie beggers, as he seeth or knoweth
to resort to his house to begge, gather or
receiue Almes, and them ought to carrie,
or cause to be carried to y^e next Constable
or Tythingman, upon paine of xx. s. for
everie default.)

Everie Constable, Headborow, & Ty-
thingman, that shall be negligent, or that
not doe his best indour, to take, punish
& conuey ouer the Rogues aforesaid, shall
lose xx. s. for everie default. (By the sta-
tute an. 1. Jac. ca. 7. the Constable, or Ty- 1. Jac. cap. 7.
thingman, is to forfeit xx. s. for every such
default.) And every other person that di-
sturberth y^e execution of this Act of Rogues
shall lose v. l. for every default, and bee
bound to the good behauour.

And every such Constable, Headborow
& Tythingman, is in like sort to take and
punish, and to conuey from one to ano-
ther, everie Rogue and begger that shall
be brought and set on the land here, from
Irelād, Scoriād, or the Isle of Man, till hee
come to the next Port or Parish in or nere
where he was first landed, vpon forfeiture
of

of tenne shillings for euerie default.

Now, forasmuch as the execution of this law, as also of that for the *poore*, is vpon good reason required at the hands of these *Constables, Borsholders, &* such like inferior *Officers*, because as they of the common sort be most annoyed thereby, so are they in euerie corner to haue a ready hand & whip to remedy the euil: I think good for their better direction herein to set downe those resolutions and aduises, which (as it is commonly said) were giuen by the *Queenes Iustices at Westminster*, soone after the making of the said Statutes: and thus they follow.

A Rogue affirmeth, that he was borne in such a towne in such a countie: then ought he to be sent thither, if it may not otherwise appeare that he was borne elsewhere: and if he were not borne there in truth, then is he to be said an incorrigible Rogue, & is to be sent thence to the house of correction in the Countie to which he is sent: & if there be none there, then to the Gaile vntill the next Sessions; there to be dealt with according to the statute.

2 The same course is to be obserued if it appeare not where he was borne, & so if hee vntuly affirme that hee was last dwelling in such a towne, in such a countie

tie by the space of a yeere, and was not in truth.

3 If the husband, or wife haue a house, & the husband or wife rogue about, they ought to be sent to the towne where that house is, and so of an Inmate.

4 The wife and children vnder seven yeres of age, being vagrant, must goe and be placed with the husband: if the husband bee dead, then with the wife where she was borne, or dwelt: and the vagrant children aboue seven yeres of age) must be sent to y^e place of their birth. And if the vagrant parents with their children vnder seven yeaeres) bee placed at the place of birth of the Parents, or at the place of last dwelling (as the case shall fall out) if afterward the Parents, or either of them die, or runne away, yet the children (once settled) must remaine there still, and may not be sent to their place of birth, though after they grow to the age of seven yeres.

5 The Wife beeing a Vagrant Rogue, ought to be sent to the husband though he bee but a seruant in another towne.

6 The Rogue whose place of birth (or dwelling) cannot be knowne, hath wife and children, vnder seven yeres of age, they must go with the husband to y^e place where

where they were last wilfully suffered to passe without punishment, where y^e childre must be relieved by the work of their Parents, though the parents be committed to the house of correction.

7 If any (not being Rogues) shall trauaile with their childre through a town, and the Father or Mother die, or run away, the town is not bound to keep them where they die, nor to send them away, but onely in charitie, except they become wandring Beggars.

8 If the Parents be able to work, and may haue worke, they are to finde their children, by their labour, and not the Parish, but if they bee overburthened with childre, it shalbe a very good way, to procure some of them to be placed apprentices according to the Statute.

9 No man is to be put out of the towne where he dwelleth, nor to bee sent to his place of Birth (or last habitation) but a vagrant Rogue; nor to bee found by the towne, except the partie be impotent, but ought to set themselves to labor, if they be able, & can get worke, if they cannot, the ouerscers must set them to labor: And so of them that haue or shall haue houses, when their estates be expired: And seruants, whose times of service are ended, though they cannot get houses, for they

must provide themselves houses & help, if they be not impotent.

10 Such persons as be of any parish, & haue able bodies to worke, & be no wanderers abroad out of the Parish, though they refuse to worke at such wages as is taxed (or commonly giuen) in those parts are notwithstanding not to be sent to their place of birth (or last dwelling) by the space of a yeare, but to the house of correction; vpon consideration had of both the statutes of the poore and Rogues. But if they haue any lawfull meanes to liue by, though they be of able bodies, and refuse to worke, yet are they not to be sent to the house of correction.

11 Such as wil remoue or put any out of their Parish, that be not to be put out, this is against the statute, concerning the reliefe of the poore, & fineable: if any haue bin so sent, they may be sent back againe.

12 If any be sent to a town whereto he ought to be sent, and is refused, (being a sturdy, or an impotent Rogue) the persons refusing shal forfeit v. l. and he that is so to be sent, is to be offered to the Churchwardens and ouerseers.

13 To send the Rogues by a generall Passport, without conueying them from parish to parish, is a let to the conueying of Rogues according to the statute, & so a

forfeit of v. l. vpon them. And to goe with
such a Passport, is but still to continue a
Rogue, to be punished by whipping.

14 If the Officer will not receiue a
Rogue to conuey him to the place where
he was borne (or dwelt) this is a forfei-
ture of v. l. in the officer, that shal not re-
ceiue the party to conuey him or her ouer.

15 None may be suffered to take reliefe
at any mans doze though within the same
parish, vnles it be by the order of y^e quer-
sers, according to the Stat. neither may
any be suffered to begge by y^e highwaies,
though in their owne parish.

16 By this word parents, is vnderstood
a Father, or a Grandfather, Mother, or
Grandmother, being persons able.

17 Within the word children, is inclu-
ded any child, or Grandchild, being able.

18 Parsons, or Vicars, &c. be bound (as
inhabitant) to the reliefe of the poore, as
well as others that inhabite within the
Parish.

19 Every one that hath tythes improp-
riate, Cole mynes, or lands in manuell
occupation, &c. is chargeable: And so for
such as haue saleable wodes, proportio-
ning the same to an Annuell benefit.

20 If there bee but one Church-war-
den in the Parish, he sufficeth, with the o-
ther

54 The duties of Constables,

ther foure Ouerseers.

See before Article 25. the duties of Constables & Tithingmen in searching for & punishing Rogues, Vagabonds, & Sturdie Beggars, according to the Stat. 7. Iac. ca. 4.

All these things last aforesaid, doe pertain as well to the charge of a Tithingman, Borsholder, Head-borow, chiefe pledge, or such other inferiour Officer, as they doe to the Constable of such a Towne, or Parish, that hath any of those other Officers vnderneath him. But some other points of charge there be, that belong to such a Constable onely, and not to any of them: as for example.

Weights & measures,

46 Cuerie Citie, Borough, & Market Town, that haue a Constable, ought also to haue common measures sealed, and also common weights sealed, at which the inhabitants may freely weigh. 8.H.6.ca.5. 11.H.7.c.4.

Marchandise.

47 If any Wools, or other Marchandise be shipped in the Staple in any suspected place adioining to the coast of water, then Indentures ought thereof to be made between the owner, & the Maior or Constable of that place: or otherwise such marchandise shalbe forfeited. 14.H.6.c.5.

Unlawful games.

48 The Maior, Sherifes, Baylifes, Constables, and other head Officers within enery Citie, Borough, & Towne within

in this Realme where any such Officers be, ought, vnder y^e paine of xl. s. for every default, once every month at the least, to make search (aswell within liberties as without) in all places, where any vnlawfull games shall bee suspected to be kept, and may arrest and imprison aswell the keepers of such places, as the haunters to the same, till they bee found no more to keepe and haunt such places. And if any such Head Officers, shall finde or know, that any Artificer, craftsman, husbandman, apprentice, laborer, seruant at husbandrie, iourneyman, or seruant of Artificer, or that any mariner, fisherman, warfeman, or seruingman, doth play at the tables, dice, cards, tennice, bowls, cloth, coiting, logating, or any other vnlawfull game, out of Christmas time, or out of their Masters house or presence in the Christmas time, vnlesse it be by the licēce of such masters as hath C. P. by y^e yere, or aboue, and then also, that playing bee within the precinct of such masters house garden or orchard: then such head officer may commit such offendor to ward, till he will be bound by Obligation to the kings vse (in such sum as to the discretion of such officer shalbe thought reasonable) that he shal not fram henceforth vse such vnlawful games.

Bridges.

49 These four Iustices of peace, that 22.H.8.c.5.
be authorized by the statute to make taxation of money for the amendment of any decayed bridge in the highway, ought to make that Taxation by the assent of the Constables, or of two of the most honest inhabitants, of every Towne or parish.

Vessels.

50 In all Cities, Boroughs, & townes, 23.H.8.c.4.
wherein no Wardens of Cowpers be, the Maior, Sherifes, Bailifs, Constable, or other head Officers there have power to search, view, and gaule, barrells, kilderkins, firkins & other vessels, to bee made there, and to take such advantage thereby and in such maner, as by the Wardens of Cowpers within the City of London may be taken on everie behalfe.

Making
of Malt.

51 The Constable of every borough, or 27.El.c.14.
market town, or other town, may view, search, and suruey all such Malt as shalbe made or put to sale there: and if he shall find any Barley Malt, made at any time (the moneths of Iune, Iuly, and August, onely excepted) but that the same shall haue the space of three weeks (at the least) in the sat, stowe, steeping, and such sufficient drying thereof, and in these three moneths, the space of seenteene daies at the least: And if he find any person to put to sale, any good Malt mingled with Malt
not

not sufficiently made, or with malt made of mowburned or spiced Barley, or to put to sale any Malt not sufficiently well troden, rubbed, and fanned, whereby halfe a pecke of dust or more may be fanned out of one quarter thereof: When may such Cōstable, with the aduise of one Justice of peace in that shire) cause the same malt to be sold, to such persons, & at such reasonable prices (vnder the common price of the market) as to his discretion shall seeme expedient.

43. E. c. 2.
& 3.

§ 2 In default of agrément of y^e Parishioners betweene themselves, the Constables & Churchwardens of each Parish, (or the more part of them) may rate & a lot within their parish their assesse for y^e Stockes of the Shire wherewith that parish was charged at the Quarter Sessions: and they also may leuie the same vpon any parishioner by distresse and sale of his goods, rendring the ouerplus vnto him.

Stocke of
the Shire.

2. Jac. 02. 9.

§ 3 Query Innkeeper, victualer, or Alehouse-keeper, that permitteth any to continue tippling in his house, (except such as are invited by Trauellers, Laboring men in dinner time, or which lodge in such houses for time of their continuing in worke: or such as for vrgent occasions are allowed by two Iustices of peace) shall forfeite tenne Shillings to the poore of the

Tippling.

¶ parish: & if he selleth lesse then a full Ale-
quart of the best beere or ale, & of if small
2. quarts for a penny, shal forfeit *xx. s.* to
the use aforesaid, the same offences being
proved by any Maior, Bailife, or Iustice of
the peace in their severall limits, or proved
by oath of two witnesses before such Ma-
ior, &c. which penalties are to be levied by
the Constables or Churchwardens of the pa-
rishes where the offences are committed,
by distresse (and for default of satisfaction
within six daies, the same distresse to be
presently appraised and sold, and the sur-
plusage to be delivered to the partie of
whom the distresse was taken) under
paine of losse of *xl. s.* to the aforesaid use by
neglect of their dutie therein, or in certi-
fying the default of distresse by the space
of 20. daies to the Maior, Bailife, or other
head Officer, or Iustice of the peace within
whose iurisdiction the offence was com-
mitted. For which penalties to be levied
by the Constables or Churchwardens, they
shall be accountable to their successors &
the parishioners.

Witnes-
sing houses

54 All Iustices of peace, Maiors, Bailifs,
Head Officers, and Constables, aswell of
Cities and Towns corporate, as in eve-
rie County of this Realme, may in Lent
time enter into all houses of Victuallers,
and common victualling houses, where
they

1. Jac. ca. 29

dressing of flesh in Lent shalbe suspected,
and finding any Dren, Beues, Beuets,
Hogs, Calues, Hammes, &c. or wea-
thers killed or dressed in Lent time or on
fish daies, may seise the same as forfeited,
and distribute it to prisoners and other
poore folkes by their discretion.

1. Jac. ca. 31

55 Where the Infection is in any Ci-
tie, Borough, Town corporat, priuileg-
ed place, or Market Towne, the Maior,
Ballife, Constable, or other head Officers
there, may commaund persons being or
dwelling in houses infected to keepe in, &
the persons disobeying such commaund
incurre such danger, as before is expres-
sed in the Article 42.

Plague.

3. Ia. ca. 4.

56 The Churchwardens & Constables,
of euery Towne, Parish, or Chappell, or
one of them, shal once euery yere present,
at the quarter Sessions, y^e monethly ab-
sence from Church of al popish Recusants
in such townes & parishes, & the names of
their childezen of 9. yeres old & by wards
abiding with their parents, & if they can,
their age, & the names of their seruants.
And in default of such presentment, shal
forfeit 20. s. And if the partie upon such
presentment happen to be indicted & con-
uicted (not being for the same absence
before presented) they shal haue a reward
of 40. s. of the Recusants goods.

Present
the names
of Recu-
sants.

The

The duties of Constables in making an indifferent tace for the charges of conveying an Offendor to the Gaole, See before Article 24.

Sea-fish.

57 By the warrant of one, or more Justices of peace, it is lawfull for the Constables & Churchwardens, of every Market Towne, Parish or Libertie, within which any offence shalbe don (in erecting of new weares along the sea shore, or in any Haven, Harbor, or Creeke, or within five miles of the mouth of any Haven, or Creeke; in destroying of the Spawne of Sea-fish in any weare or other Engine, or in fishing with any draw-net, or dagnet vnder thre inches meash, in any Haven &c. or within 5. miles &c.) against the Stat. 3. l. c. 12. may leuie the forfeitures, by way of distresse and sale of the Offendors goods, rendering to them the surplusage.

3. l. c. 12.

Apprentices.

58 The Parson or Vicar of every town or parish not incorporate, together with the Constable or Constables, Churchwarden or Churchwardens, Collectors and Querscers of the Poore, or y most part of them (where money is already given or shal hereafter be given to be continually imployed for the binding out as Apprentices the poorest sorts of Children) shall, within the said Townes and Parishes, have

7. l. c. 3.

have the nomination and placing of such
Apprentices, and the guiding & employ-
ment of such moneys, as have beene here-
tofore so given, or which hereafter shall be
given, so and for the continuall binding
forth of such, and so many Apprentices, &
in such sort as is already, or shall hereaf-
ter be so given and appointed, either by
the last will, or any writing under the
hand and seale of the giuers of such mo-
neys. And if any of them wilfully for-
beare or refuse, according to their duties,
to employ such moneys, by means wher-
of the sayd money shall not be employed
accordingly: then everie of them so offen-
ding shall forfeit threes pounnds for everie
such offence. And the Master, Mistresse,
or Dame, of such Apprentices shall be bound
wth one or two sufficient sureties, in double
the sum they have received wth such Appren-
tices, to such Parson, or Vicar, Constable
&c. to repay the money so received at 7. yer-
end, or within thre months next after the
end of the said seven yer- And if the Ap-
prentice, Master, Mistres, or Dame, hap-
pen to die within the said space of 7. yer-
the within one yere next after such death.
And the Parson or Vicar, Constable &c.
ought to put forth & employ such moneys
within thre months at the furthest after
the same shall come to their hands. And if
there

there shall not be found fit persons to be bound out Apprentices in the towne & parishes where such moneys are: shall be giue to be employed as afoze is declared, the poorest children of any p^r parishes next adioyning may (by the discretion of the said Parson &c.) be bound Apprentices, taking such bonds as is aboue mentioned. And choise must be alwaies made of the poorest sorts of children; And that no Apprentice be aboue 15. yerres old when he shall be first bound. And the said Parson or Vicar, Cōstable, &c. are once euery yere, in Easter wēk, or within a moneth after Easter day, accountable befoze 4. 3. or 2. Iustices of P. dwelling in or next to the said towne and parishes, for all such money as they haue employed in binding of Apprentices, & of al Bonds & Obligations taken for payment therof; & of the money remaining in their hāds: And are, at such account, or within 10. daies after, to deliver to their Successors, or to such as then be in their times or places, all the saide Bonds & Obligations, & such moneys as remain in their hands, not thē employed.

59 In all these cases also; last befoze rehearsed, it seemeth that Borsholders, Tythingmen, Headborowes, and other such (being in towne, or parishes vnderneath Constables that bee there) cannot meddle,

meddle, because such Constables be (in comparison of them) called Head Officers.

60. Now therefore upon all the whole The conclusion. discourse before written, it may well appear, that Borsholders, Tythingmen, Headborowes, Boroheads, Thirdboroes, and chiefepledges, whether they be there the onely Officers for the peace, or be vnderneath Constables, may, within their Borowes, Tythings, or Hamlets, doe many things, that the others may doe, and that there are many other points which those other Officers may doe, and wherewith these Borsholders and the rest cannot meddle at all. And therefore, to auoide idle repetition of matters already spoken, I say shortly, that if an vnder Borsholder, Tythingman, Headboroe, Borohead, Thirdboroe, or chiefepledge, will see what belongeth to him to doe, he must looke before upon all such cases, where his power is declared to be equall (for those point) with the power, either of a High Constable of the Hundred, or a Constable of a Towne or Parish: for in all such things he hath to deale as well as they: But where any thing before is shewed to pertaine onely to the High Constable of a Hundred, or onely to the Constable, or chiefe or head Officer of a towne

Towne, or Parish, there such a Borthol-
der, Tychingman, or any of the rest, hath
nothing to doe with it.

And thus having opened so shortly and
plainely, as I could, the duties of al these
said ministers of the peace, I doe shut up
this worke: desiring those that shall take
any profit of this labour, to yeeld thanks
to God the most liberall giner.

FOr the more ease of euery of these Of-
ficers in finding out that, which parti-
cularly belongeth vnto each of them, I
haue deuided the former *Treatise* into
threescore seuerall *Articles* (or parts) saie
may appeare at the beginuing of each *Ar-
ticles* by the seuerall *Figure* thereof, by
which euery Officer may be directed seue-
rally to so much as appertaineth to him-
selfe, if he will marke this short table fol-
lowing. For,

*The high Constable of the Hundred, Rape,
Franchise, or Wapentake, hath the ex-
ecution of all those matters that do lie with-
in these Articles, that is to say.*

- Articles concerning
- | | |
|----------------------------|---------------------|
| 3 } His name and be- | 24 Conueying offen- |
| 4 } ginning. | dors to prison. |
| 11 } 25 } Rogues and Beg- | |
| 12 } 45 } gers. | |
| 13 } The Peace, & ser- | 26 Prisoners. |
| 14 } uing of Warrants. | 27 Petite Sessions. |
| 15 } 28 Watches, and High- | |
| 16 } wayes. | |
| 17 Execution of Sta- | 29 Clothiers. |
| tutes. | 30 Highwayes. |
| 18 Physitions. | 31 Money for Priso- |
| 19 } 32 Money for Souldi- | |
| 20 } Purueiors. | ers. |
| 21 } 33 Popish Recusants. | |
| 22 Souldiers. | 43 Drunkenesse. |
| 23 Coroners. | |

And the Constable of a Towne and Pa-
rish, hath hys part in all things contained
within any of these Articles following,
that is to say,

- Articles concerning
- | | |
|----------------------------|---------------------|
| 4 His name and begin- | 22 Souldiers. |
| ning. | 23 Coroners. |
| 11 } 24 Conueying offen- | |
| 12 } dors to prison. | |
| 13 } 25 } Rogues and Beg- | |
| 14 } 45 } gers. | |
| 15 } 34 Alehouse. | |
| 16 } 35 } Seruants and La- | |
| 17 Execution of Sta- | 36 } bourers. |
| tutes. | 37 Highwayes. |
| 18 Physitions. | 38 Highwayes in the |
| 19 } 39 Hue and Crie. | |
| 20 } 40 Popish | |
| 21 } | |

- | | |
|-------------------------|-------------------------|
| 40 } Popish Recu- | 48 Vnlawfull games. |
| 56 } sants. | 49 Bridges. |
| 41 Hedgebreakers. | 50 Vessels. |
| 42 } Plague. | 51 Making of Male. |
| 55 } | 52 Stocke of the Shire. |
| 43 Drunkenesse. | 53 Tipling. |
| 44 Setting dogs & nets. | 54 Victualling houses. |
| 46 Weights & measures. | 57 Sea-fish. |
| 47 Merchandize. | 58 Apprentices. |

And euery Borsholder, Tythingman, Borohead, Headborow, Thirdborowe, and chiefe pledge, may for his Borow, or Tything, learne his office by these Articles, that is to say,

Articles concerning

- | | |
|-----------------------|-----------------------------------|
| 5 His name. | 23 Coroners. |
| 6 } His first Office. | 24 Conueying offenders to prison. |
| 7 } | 25 } Rogues and Beg- |
| 8 } | 45 } gers. |
| 9 } His later Office. | 30 Highwaies. |
| 10 } | 34 Alehouse. |
| 11 } Keeping of the | 35 } Seruants and La- |
| 12 } Peace. | 36 } bourers. |
| 13 } | 37 Highwaies. |
| 14 } Precepts to be | 38 Highwaies in the |
| 15 } serued. | Wealds. |
| 16 } | 39 Hue and Crie. |
| 17 Execution of Sta- | 40 Popish Recusant. |
| tutes. | 41 Hedgebreakers. |
| 18 Physitions. | 42 Plague. |
| 19 } Purueyors. | 43 Drunkenesse. |
| 20 } | 44 Setting dogs and |
| 21 } | nets. |
| 22 Souldiers. | |

The dutie of Church 67

Ministers

He later Lawes having im-
ployment of many to make,
hath borrowed some of the
a few easie matters, of spiri-
tuall Ministers, chiefly for the helpe and
readinesse of their pen, which in many
Parishes few, or none (besides they) can
serue withall.

1. The Minister (or Curate) of the Pa-
rish ought to Register the Testimoniall
that is made to a seruant to appeare at y^e
end of his Terme, and he is to take two
pence therefore, and not above.

2. He also is to assist the Bortholder, or
Tythingman, in appointing a Rogue to
be whipped, and must Register (in a booke
for that purpose) the Testimoniall that
such Rogue ought to haue after whip-
ping, vpon paine to lose b. s. for every
default.

3. Hee may giue Licence to a sicke per-
son (during the sicknesse onely) to
Eate flesh vpon dayes prohibited, and
must (for iiij. pence) Register the same in
the Church booke, if the sicknesse conti-
nue above eight daies after the Licence.
But see the Statute 1. Iacobi cap. 29. That
no Licence granted to any Sicke person
by force of the Statute 5. Eliz. cap. 5. shall

Licence to
eate flesh

68 The duties of Church Ministers.

be. y sufficient warrant to such person to Eat any Beefe, Meale, Pozke, Dut-
ton, or Bacon, in Lent, or upon any day
now observed as a Fith-day, but that the
said like person for dressing or eating
such Beefe, &c. shall incurre the danger
and penaltie comprised in the said Sta-
tute of 5. Eliz. cap. 5.

Come to
Church.

4 The Minister or Curate of the Pa-
rish, may require any person within 3.
Moneths after his Conviction upon the
statute 35. Eliz. cap. 1. to make publike
Confession and submission in the service
time on a Sunday or Festival day. And he
that shall (after notice to him given by
the Minister, or Curate, or Churchwar-
dens) maintaine, or retaine, in his house,
or otherwise, any person obstinately re-
fusing to come to Church, shall lose r. l.
for every such person, for every Moneth
so maintained, or retained.

Popish
Recusant.

5 The Minister, or Curate of the Pa-
rish, and the Constable, Headborough, or
Tithingman, of the Town, to which any
Popish Recusant is sent, shall (upon no-
tice thereof by himsele) enter the same
into a booke to be kept in every Parish for
that purpose and shall certifie the same to
the next Quarter Session of the Peace in
that Countie.

First day of
November.

6 Every Minister after Morning prayer

3. Jac. cap. 1.
or

The duties of Churchwardens. 69

by preaching is alwayes upon the fift day of Nouember, to read publiquely, distinctly, and plainly the Statute made in the third yeare of the raigne of our most gracions Soueraigne King Iames, for publique thanksgining to Almighty God every yeare on the same day, for his mercieuerance of the King and State from the Powder-Treason.

See before in Constables, &c. Art. 25. his hand to be set to the accompt of Constables and Tithingmen, of Rogues taken and punished by them.

See also in Constables, &c. Art. 8. the dutie of the Parson, or Vicar, in binding out of Apprentices, and in imploying of Money given to that vse.

The dutie of Churchwardens.



Wilest I passed thorow some of the Statutes before, concerning the offices of Constables & Borsholder, I found them mingled with diuers duties pertaining to the Churchwardens of Parishes: the Surueyors of the Highwayes: the Distributors of the provision for the destruction of vermine, and Overseers of the Poore: whereby I was also mooued to adde somewhat of these Offices, the rather because

70 The duties of Churchwardens.

because I was perswaded, that with that little more of labour, I might doe a great deale more of good, seeing that thereby a plaine countryman should (after a sort) be furnished with all manner of understanding (in the Temporal Law) meete full for the exercise of any of those Duties that may lightly fall vpon him.

First therefore, I will speake of the Churchwardens Office, but that so farre forth onely, as the common Lawes, and Statute Lawes of the Realme do leaue mee, knowing that such other parts of that office as do rest vpon the Lawes Ecclesiasticall, bee from time to time sufficiently both taught and called vpon, by those that haue the execution of the same.

Office of
Church-
wardens.
by the com-
mon Law.

The Churchwardens of Parishes be taken (in fauour of the Church) to be for some purposes a manner of Corporation at y^e common Law: that is to say, Persons enabled by that name, to take moneable goods, or cartels, and to sue, and be sued at the Law, concerning such goods, for the vse and profit of their Parish. And therefore, a mā may wel in his life time giue, or by his last will bequeath, money or o^rther moneable things, to the Churchwardens, or to the Parishioners of a Parish, either for the reparatio of the Church, or

11. H. 7. v.
tino.

towards

Lib. Intrac.
fol. 576.

11.H.4.12.
8.H.7.12.

37.H.6.30.
& 34.
11.H.4.12.
8.E.4.6.

towards the buying of Bookes, Commu-
nion Cuppes, linnen Cloathes, or other
Decent Ornamentals or furniture for the
Church. Which manner of gift is so much
favoured in the Law, that it is not alto-
gether needful in such a gift, for a man to
use expresse words, or writing. For if a
man doe buy a Bell, and do hang it up in
the Steeple, or doe make a Pew, and doe
set it up in the Church, and doe neither
make any word or writing thereof, yet
is this Bell or Pew, by this dedicated or
giuen to the Church.

2. Now, although Churchwardens shall
haue none action at the Common Law
to recouer a Legacie, or such other thing
which they neuer had: yet neuerthelesse
if any such goods, or ornaments of the
Church be once in their possession and cu-
stodie, then shall they maintaine an Ap-
peale of Robbery against him that stea-
leth them, or an Actiō of Trespas against
him that shall wrongfully take the away,
though it be by Vicar, or Parson himselfe
and the damniages that they shall recouer
thereby shall be to the use & benefit of the
parish, and not to their owne use. But if
those Churchwardens (from whom the
goods were so taken) shall happen to die
before any Action by the brought for the
goods, yet shall the next Churchwardens

They shall
haue actiō.

2 The dutie of Churchwardens.

have Action for the same.

They may
not waste
the Church
goods.

3 And soasmuch as these churchwardens bee Officers, put in trust for the behoofe of their Parish, therefore also are they not enabled with any other power, then for the good and profit of the parish.

Fitz. Na. br.
91. K.

19. H. 6. 66.
al contr.

So that Churchwardens can neither give away, nor release at their own pleasure, the goods of the Church. For if the Parishioners shall finde that they doe unprofitably waste, or mispend the goods of the Parish, then may they remove such Churchwardens, by making their choise of new: which new Officers may (by

8. E. 4. 6.

They may
be summoned
& brought
to account.

Action of account) call to account the former Churchwardens, and shall thereby compell them, both to give reckoning of their doings during their office, and also to make satisfaction to the use of the parish, for the harme y it hath received by their fault. And although the usage and custome of the Parish be that the Churchwardens there shal continue in their Office, by the space of one whole yeare, or two yeares or more (as indeed some Parishes have such customes) yet upon such, or the like misdemeanors found in them, may y parishioners at all times proceed to an election of new Churchwardens, and may remove the old, for that otherwise they have no meane by our law to call them to their

26. H. 8. 5.

their Account: but by such as shall be put in their place. Nevertheless, those former Churchwardens shall (upon the making of such their Account) haue allowance of all needfull summes of money, or other things, which they haue expended, either vpon the reparation of the body of the Church, or for the prouision of meete and lawfull ornaments, or other furniture of the Church or Parish: because they are compellable (by the Ecclesiasticall Lawes) so to lay forth the goods of y^e parish committed to their custodie & charge. They shall haue allowance also (vpon such their Account) of the mony paid by the for reliefe of prisoners in the common Gaole, by vertue of the statute 14. Eliz. c. 5. and of whatsoeuer other thing that they are by law chargeable to doe.

4 This (in effect) is the power and charge that the common law doth giue to Churchwardens: for as touching any estate in lands, or the profits of any lands, Churchwardens haue not to meddle at all: Inasmuch, that if the wals, windowes, or doores of the Church be broken, or the trees in the Churchyard be cut downe, or the grasse thereof be eaten vp, then the Parson, or Vicar (and not the Churchwardens) shall haue the Action for it: because Churchwardens are not by law allowed

They haue
not to doe
with lands

11. H. 3. 13.
12. H. 7. 77.
13. H. 7. 9.

Church-
wardens
office by
the statute.

Repaire
to the
Church.

loved to be a Corporation for any other thing, then for moveable goods onely. Now therefore I will shew how their office is increased by a few statute lawes, that doe concerne the same.

5. All persons inhabiting within the Kings Majesties dominion, shall diligently and faithfully (having no lawfull or reasonable excuse to be absent) indeavour themselves to resort to their Parish Church or Chappel accustomed, or (upon reasonable let therof) to some usual place where common prayer and such service of God (as is contained in the booke of common prayer) shall be used in such time or let, upon everie Sunday and other daies ordained & used to be kept as holy daies; and then & there to abide orderly & soberly, during the time of the common prayer, preachings, or other service of God there to be used and ministered, upon paine of punishment by the Censures of the Church, and also upon paine that everie person so offending shall forfeit for everie such absence xij. d. to be levied by the Churchwardens of the parish where such offence shall be done to the use of the poore of the same parish, of the goods, lands, & tenements of such offender, by way of distress.

1: El. cap. 2.

High-
ways.

6. The Constables and Churchwardens of everie Parish shall yearly upon the

the

The duties of Churchwardens. 75

The Tuesday or Wednesday in Easter
weeke call together a number of the Pa-
rishioners, and shall then elect and chuse
two honest persons of the Parish to bee
Surveyors and orderers of the works for
one yeare, for amending of the High-
waies in their parish, leading to any Par-
ket towne: which persons shall take up-
on them the execution of their said offi-
ces, upon pain, every of them making de-
fault, to forfeit xx.s. And the said Consta-
bles and Churchwardens shall then also
name & appoint fixe daies for the amend-
ment of the said Highwaies before Mid-
summer then next following: and shall
openly in the Church the next Sunday
after Easter give knowledge of the same
fixe daies. And they also ought to haue
one part of the Estreates indented, & shall
call the Constables to account &c. as it doth
appeare before in the 30. Article of the
Constables office.

7 See after also in the office of the Sur-
veyours of the Highwayes, for leuying
those forfeitures by the Churchwardens,
if the Surveyors shall not leuie and imploy
the same within one yere after the offence
committed.

8 And see in the 4. article of the dutie
of the Minister, that the Churchwardens
may give notice to such as maintaine, or

Refuse to
come to the
Church.

re;

retaine in house, or otherwise; any person that obstinately refuseth to come to the Church.

Eate flesh.

9 If any person within this Realme, shall (without lawfull licence) eate any Flesh upon any daies now usually obserued as Fish-daies, shall forfeit 7. pounds for every such offence, or else suffer 3. Moneths imprisonment. And every person within whose house any such offence shall be done, & being pryncie or knowing thereof, & not effectually disclosing the same to some publike Officer, having authority to punish the same, shall for every offence forfeit 40. s. The third part of all which forfeitures shall be to the use of the Parish wherein the offence shall be, & to be levied by the Churchwardens after any conviction in that behalfe.

Licence to eate flesh.

The Licence for eating of Flesh, to be given to any person for notorious sickness, by the Bishop of the Diocesse, or by the Parson, Vicar, or Curate of the Parish, ought to be Registered (if the sickness shall continue above eight daies after such Licence granted) in the Church booke, with the knowledge of one of the Churchwardens there; and the partie licensed shall give 4. d. to the Curate for the entrie thereof. See before in the duties of Church Ministers Art. 3.

43. El. ca. 2.

10 The Churchwardens, and foure, poore
 three, or two others of every Parish, ap-
 pointed by the two Iustices of Peace, to
 be Overseers of the Poore there, (or the
 more part of them) may by the consent of
 two Iustices, from time to time take or-
 der, for setting to worke all persons ma-
 ried, or vnmarried, that haue no means, or
 ordinarie trade to liue by, & the children
 of such parents as shal be thought unable
 to maintaine them: and may take aswell
 Inhabitants as Occupiers of lands in the
 Parish to pay weekly, or otherwise, such
 competent summes of money (as they
 shal think meet) for a stock of ware & stuf-
 for such poore to worke, & for the necessary
 reliefe of the impotent Poore there, and
 for the putting out of such Childre to be
 Apprentices: and may execute all other
 things, concerning the premises, as to
 them shal seeme conuenient.

And they shall meet together once in
 each Moneth at the least in the Church
 vpon some Sunday in the afternoone, to
 consider of some good course & meet or-
 ders to be set down in y^e premises, & with-
 in 4. daies after their yere ended, & other
 Overseers nominated, shall yeeld vp to
 the two Iustices of peace, a perfect account
 of their Money, Stocke, and other things
 concerning that office, and shall pay the
 expenses

Monies that shall be in their hands, to the new Churchwardens, and Overseers, upon paine to lose 20. shillings for every such Monethly absence, (without cause, to be allowed by the two Iustices) and for every negligence in the execution of the said office, or orders made by assent of the two Iustices, as aforesaid.

And the said Churchwardens & Overseers, (or any of them) by warrant from two such Iustices, may lewie such taxations by distresse and sale of the offenders goods, as also the money behind upon any such account, rendering the Overplus to the partie: & they (with the leaue of the Lord of a Common, or Waste, in writing) may erect there convenient habitations, and place inmates therein, at the general charges of the parish, &c. When the stocke of the shire, is assessed by the Iustices of peace in their Quarter session vpon every parish: the same shall be yearely rated within the parish by agreement of all the parishioners, or in default thereof by the Churchwardens and constables of the parish, or the moze part of them, who may lewie the same by distresse and sale of the goods of such as refuse to pay their portion thereof, and shall render the Overplus thereof to the owner: and the Churchwardens, must ratably pay over to the high Constable,

in

in whose limit the parish is situate tenn
daies befoze the end of euery Quarter ses-
sions, such money as for that parish they
ought to pay for the reliefe of the pris-
oners in the Marshalsey and Kings bench
vpon forfeiture of r.s. for euery default
of such payment.

8.El.ca. 15.
& 14.El.ca.
11.

II In euery Parish, the Churchwar-
dens, with fire other Parishioners (to
be required by the Churchwardens) shall
yearely in one of the holy daies in Ea-
ster weeke, and at euery other time
when it shall be needfull, take and asseſſe
euery person having the possession of a-
ny lands or Tithes within that parish,
to pay such summes of money as they
shall think meet, according to the quantity
of such their lands or tithes. And if any
such person doe denie to pay the same, or
doe not pay the same within foureteene
daies next after request thereof made by
the Churchwardens, or one of them) then
such person shall forfeit for euery time
fine shillings, which together with the
summe asseſſed shall be leuied by distresse,
of the goods and cattels of such person,
to be taken by the Churchwardens, or
one of them, the same distresse to be orde-
red & vled, as distresses taken for amerci-
aments in any Leets. And aswel the said
summes as penalties, (if any of them bee

Destruction
on of ver-
mine.

80 The duties of Churchwardens.

to letted,) shall be yearly by the Churchwardens, or one of them for the time being, delivered by Bills indented, to two honest and substantiall persons of the parish which shall be elected and appointed by the Churchwardens, and shall be named, The distributors of the provision for the destruction of noisome foule and vermine. And if the said Churchwardens, 6. persons, or distributors, or any of them, shall refuse, or make default in the execution of any part of this act, contrarie to the forme therof, then such offenders shall forfeit for every default v. l. the one moiety to the king, the other to him or them (using tillage yearly within the same shire) that will sue therefoze in any Court of Record.

Souldiers money.

12 The money assessed at the Quarter Session by the Iustices of peace upon every Parish for the reliefe of disabled souldiers, may bee rated (in default of agreement of the parishioners amongst themselves) by the Churchwardens and Constables of the Parish, or the more part of them: and they may leuie such Rates by distresse and sale of the goods of such as refuse to pay their rates, rendering to the owner y^e ouerplus comming of such sale: and the Churchwardens must collect and pay over to the high Constable in whose

43. El. ca. 9

division

division such parish is, every such summe ten daies before every quarter Session of the peace, under the pain of xx. s. for every default thereof.

For the rest of the office of the Churchwardens, concerning this matter see afterward in the dutie of the distributors. See also in Constables article 26. for the gaole money to be leuied by Churchwardens.

1. Lac. ca. 9. 13 The Constables & Churchwardens, Tipling
omitting their dutie in leuying the penalties of Tine-keepers &c. suffering any to remain tipling in their houses, or selling Ale and Beere, otherwise then by the Stat. is appointed: Or neglecting by 20. daies to certifie the default of distresse, in Offe- dozs against this Act, do thereby forfeit for every such default 40. s. to the poore Whercofee before in Constables &c. 53.

1. Lac. ca. 27 14 If any shal haue or keepe any grei- Dete,
hound for coursing of dære or hare, or set- hare, Wher
ting dogge or doges, or net or nets to take tant, Par-
Whesants or Partridges contrary to this tridge,
statute. 1. Lac. cap 27. the Churchwardens where the offence shall be committed, or the partie apprehended, are in cases therein mentioned, to receiue to the vse of the poore of the parish, 40. s.

1. Lac. ca. 14 15 The Churchwardens & Constables, the absence
of every Towne, Parish or Chappel, or from church
some one of them, are yerely to present at of Popish
the recusants.

the Quarter Sessions y^e monthly absēce from Church of Popish Recusants: and their childzens names aboue nine peeres old, and their age if they can, & the names of their seruants, vpon paine of x. s. And if such Recusant vpon that presentment be indicted and conuicted they are to haue a reward of xl. s. of such Recusants goods See in Constables, &c. 56.

Repaire to
Church.

16 The Churchwarden may by war-^{3. Jac. cap. 1} rant from one Justice of peace, leuie, to the vse of the poore, by distresse and sale of the offendors goods, redzing the ouerplus to such offender, 12. d. for euery default in not repairing to Church euery Sunday according to the statute of 1. Eliz. c. 2. See before Article 5.

Conueying
of offendors
to prison.

17 Where an Offendor committed to^{2. Jac. cap. 1} prison, hath not goods sufficiēt to defray the charge of conducting him thither, the Constables & Churchwardens, & 2. or 3. of the parishioners may make an indifferēt tare for the same: Whereof see before in Constables 24.

The Office of the Superuisors, Surueiors, or Orderers of the workes for amending of the Highwaies.



Vpon the six daies appointed^{2. & 3. Phil. & M. c. 8. & 5. EL. 13. & 39. EL. 6. 15} for working in y^e highwaies, in such sort as is before declared in y^e 6. article of y^e Church-
ware

wardens office, every person for every
 plowland in tillage or pasture y^e he or they
 shal occupy in the same parish, & every o-
 ther person keeping there a draught or
 plow, shall find & send, at every day & place
 to be appointed for y^e amending of y^e waies
 in the parish as is aforesaid, one waine or
 cart, furnished after y^e custome of the coun-
 try, wth Wren, horses, or other cattell, & all
 other necessities, mete to carrie things
 convenient for y^e purpose, & also 2. able mē
 wth y^e same wth pain of every draught ma-
 king default x. shillings. And every other
 household, & also every cotager & laborer
 of that parish, able to labor, and being no
 hyred servant by the yeare, shall by them-
 selves or one sufficient laborer for every
 of them, upon every of the said fire daies,
 worke & travell in the amendment of the
 said highwaies, upon paine of every per-
 son making default to lose for every day
 twelvie pence. And if the carriages of the
 parish or any of them shal not be thought
 needful by the superuisors to bee occupied
 upon any of the said daies, that then eve-
 ry such person that should haue sent any
 such carriage, shal send to the said worke
 for every carriage so spared, two able mē
 there to labor for that day, upon paine to
 lose for every man not so sent to the said
 worke xj. s. And every person & carriage a-
 boue

bone said, shal haue and bzing with them
such Shouels, spades, pickes, & Mattocks,
and other tools and instruments, as they
do make their own ditches & fetes with
all, and such as be necessarie for their said
wozk. And all the said persons and carri-
ages shal doe and keepe their wozk, as
they shalbe appointed by the said superui-
sors, or one of them viij. houres of euery of
the said daies, vnlesse they shal be other-
wise licenced by y^e said superuisors, or one
of them.

From henceforth it shall and may bee
lawfull to all and singuler superuisor and
Superuisors and orderers of the wozk
for the time being, for the amendment of
the said highwaies, thereunto elected &
appointed, according to the statute made
in the second and third yere of king Phi-
lip and queene Mary, for the better repa-
ration and amendment of the highwaies
within their seuerall Parishes & limits
where they shal bee so made superuisors
(if it shall be so to them thought necessa-
rie) to take and carrie away of the rub-
bish, or smallest broken stones of any
Quarrie or quarries lying or being with-
in the parish where they shal be superui-
sors without licence, controlment, or im-
peachment of the owner or owners, so
much as by their discretions shalbe deemed
and

and iudged necessarie, to the amendment of the said waies. And y^e for default of any such Quarrie or Quarries, it shall & may be lawfull for every such superuifor or superuifors, for the vse aforesaid, in the several grounds of any person or persons, being within the parish, & limits where they shall be Superuifors, and nigh adioyning to the way or wayes wherein such reparations shall be thought necessary to be made, and wherin grauel, sand, or sinder is likely to be found, to digge or cause to be digged, for grauell, sand or sinder, & likewise to gather stones lying vpon any lands or grounds within the parish, and meet to be used to such seruice & purpose, therfore to take and carry away so much as by discretion of y^e said superuifors shall be thought necessary to be imploied in y^e amendmēt of the said highwaies. Provided alwaies, that it shall not be lawfull to any such superuifor or superuifors, by vertue of this act, to cause any rubbish to bee digged out of any Quarrie or Quarries, but only shall extēd to such rubbish as shall be found there ready digged by y^e owner or owners of the said quarry or quarries, or otherwise by his or their licēce & commandement, nor shall not extend to giue authoritie to any Superuifor or Superuifors to dig or cause to be digged, any grauell,

uel, sand, or sinder in the house, garde, or
 chard, or medow, of any person or persons,
 nor that it shal be lawful by this act to any
 such Superuisor or Superuisors to cause
 any more pits to be digged for gravel in
 any seueral or inclosed ground the one on-
 ly, & that y^e same pit or hole so digged for
 gravel as is aforesaid, shall not by any
 way be in bredth or length aboue x. yards
 at y^e most. And that euery such Superuisor
 as shall cause any such pit to be made, &
 digged for gravel, sand, or sinder, as is a-
 foresayd, shal within one moneth next af-
 ter any such digging or pit made, cause y^e
 same to be filled, and stopped vp with
 earth, at the cost and charges of the Pari-
 shioners, vpon paine to forfeit to the ow-
 ner and owners of the soile, wherein any
 such pit shal be made and digged, for eu-
 ry default, five markes.

5 El. c. 13.

From henceforth, euery such Superui-
 sor & Superuisors, as aforesaid, shall by
 force of this act, within y^e parish or limits
 where he or they shal be Superuisors, haue
 full power & authoritie to turne any such
 water course, or spring of water, being in
 any of the said highwaies, into any ditch
 or ditches, of the seueral ground or soile
 of any persō or persons whatsoeuer, next
 adioyning to the said waies, in such ma-
 ner & forme, as by the discretions of the
 said

said Supervisors shall be thought meetest and most convenient.

Such Supervisor or Supervisors for the time being, within one month next after default or offence made, done, or committed by any person or persons, contrary to the provision purport, and true meaning of the Stat. made concerning highwaies) in the second and third yeare of K. Philip and Queene Marie, shall present euery such default or offence to the next Iustice of peace for the time being, vpon paine to forfeit for euery such default and offence, in such sort not by the presented, xl. s.

Euery person or persons (except such as shall dwell in the city of London) that shall be assessed to the payment of any Subsidy to his Maiestie to b. p. in goods, or xl. s. in lands, or aboue, during al such time as he shal stand so assessed & not altered, & being none of the parties chargeable for the amendment of highwaies by any former law, but as a cottager, shal find two able men yerely to labor in the highwaies, at such daies & times, as by the several Statutes therof are limited & appointed. And euery other person hereafter shal occupy a plough land in tillage & pasture, lying in being several parishes, shal be chargeable to the making of the waies within the Parish where he dwelleth as far forth, & in such

manner & forme, as any person hauing a plough lād, in any one parish, is, or ought to be chargeable, by reasō of the said former statutes, or either of them. And euery person or persons, occupping & keeping in his or their hands or possessions, seuerall or diuers plotwāds, as aforesaid in seuerall or diuers townes, shal be charged to find in each towne or parish (where the plotwāds being in his occupping coly) one cart, waine, tūbzel, dung pot, or court sleds, carres, or drags, furnished for the amēdment & repairing of the highwaies, within the seuerall parishes where the said plough lands do lie, in such maner & forme, as if he or they were a parishioner dwelling within the parishes, where the same seuerall plotwāds do lie.

Euery person or person, that shall not repaire, ditch or, scowze any haies, fēces, ditches or hedges, adioining to any highway, or cōmō fairing way, or shal not cut down or keep low al trées & bushes, growing in, or next adioining to any the said waies according to the true intēt & meaning of the Act made in the 5. yere of the late Q. El. raigne, for euerie offence committed therein contrarie to the true intent therof, shall forfeit and lose for euerie default x. s. And all and euery person, and persons, that shall occupie any
lands

lands adioyning to the ground, so adioyning to any such highway or common fairing way, where any ditching or scouring should or ought to bee as aforesaid, shall from time to time, as need shall require, ditch and scowze in his or their ground so adioyning, wherby the water conueied from the said highway, or common fairing way ouer the ground next adioyning, may haue passage ouer the said ground, so next adioyning to that ground vpon paine of forfeiture for every time so offending, for every Rodde not so ditched and scoured, *xxj. s.*

No person or persons having any ground by lease or otherwise, adioyning to any highway, or common fairing way, leading to any Market towne, shall cast or scowze any ditch, and throw, or lay the soile thereof into the highway, and suffer it to lie there by the space of six Months, to the annoiance of the said highway, or common fairing way vpon paine of forfeiture for every load of soile, so cast into the highway, or common fairing way, in ditching or scowring, twelue pence. And wher any heretofore haue bin so cast into the highway, or common fairing way, & there is a banke betweene the said way & the ditch, it shalbe lawfull for the Surueyors and workemen, by the lawes and statutes

tes of this Realme, appointed for the amending of the said waies to make flues, or other deuices by their discretions, to conuey the water out of the said way into the ditch: any law, right, interest, custom, or blage to the contrary notwithstanding.

Every penaltie, summe or summes of money forfeited for any cause within the statute, shall be leuied in euery parish by the Surueyors of the waies within that parish for the time being, by distresse and sale of distresse, in maner and forme, as fines or amerciaments in Leetes haue bin vsed, and the money so leuied to be imploied vpon the high way or common sailing way, where the offence was committed. And if the Surueyors shall not or will not leuie and imploy the same within one yeere after the offence so committed, that then the said summe or summes, forfeiture or forfeitures, shall bee leuied in forme aforesaid, by the Constables or Churchwardens of the towne or parish where the worke ought to be done in the high-way (as is aforesaid) and that he or they so leauing any of the said penalties or forfeitures, shall make and yeeld such account as is appointed in the before recited statutes, or either of them.

Waterlabish
waies.

In the Wealde of Kent, Suffex, and Sur. 39. El. c. 19.
rey, the Surueyors within the parishes
where

where the Highwaies shall be most annoyed, shal (in default of appointment by the Iustices of peace) assigne and appoint in what places of the Highwaies there, the Sinder, grauell, stone or chalke, (to be carried by the occupiers of yron works) shal be laied & bestowed: vnder the paine of xl. s. of euery such Surueyor for euery such default, & they shal make demand of the forf. of money to be paid in default of such carriages: & shal present euery such default of carriage, or paimēt, at the next Quarter Session of that County, vpon like paine of xl. s. for euery def. by them.

The Office of the Distributers of the
prouision for the distruction of noy-
some Fowle and Vermin.

8.El.ca.15.
& 14.El.ca.
11.&39.El.
cap.18.

These Distributers beeing so chosen, & hauing money (as is before shewed in the 11. article of the Church-wardens office) shal giue & pay of the same money so to thē deliuered to euery person y^e shall bring to them any heads of old Crowes, Choughes, Pyes, or Woks takē within y^e seueral Parishes, for y^e heads of euery 3. of thē a peny: & for the heads of euery 6. yong Crowes, Choughes, Pyes, or Woks taken, as is aforesaid, a peny: & for euery 6. egges of any of thē vnbroken, a peny: & like

likewise for every 12. Stares heads a penny. All which said heads & egges, the said Distributers in some conuenient place shal keepe, and shal every moneth at the least bring forth y^e same before y^e said Churchwardens and farors, or thre of them, and then and there to them shal make a true account in writing, what money they haue laid forth and paid for such heads & eggs, and for the heads of such other rauenous birds & vermin, as are hereafter in this act mentioned: that is to say, for euery head of Merton, Haukes, Fursekite, Goldkit, Buzzard, Scag, Cozmozant, or Kingtaile, y. d. and for every two egges of them, a penny: for every Iron or Dispraies heads 4. d. for the head of euery Woodwall, Pie, Jay, Raven, or Kite, a penny: for the head of euery bird, which is called the Kings fisher, a penny: for y^e head of euery Bulfinch, or other bird, that deuoureth y^e blouth of fruit, one penny: for the heads of euery Fore, or Grey, 12. d. and for the head of euery Fitchewe, Polcat, Weasel, Stote, Faire, Badge, or Wildcat, a penny: for the heads of euery Otter, or Hedgehog, 2. d. for the heads of euery 3. Rats, or 12. Mice, one penny: for y^e heads of euery Goldwarpe, or Want, at halfe penny: for the heads of euery which birds & vermin last mentioned, y^e last Distrib-

Distributers shall likewise pay & giue to the bringer of them, for every head killed & taken within their senerall parish, as before is limited, & shall keepe the same to be shewed forth vpon their account, in manner and forme as is aforesaid. All which saide heads and egges shall be forthwith after such account made in the presence of the said Church-wardens and Taroys, or of thre of them, burned, consumed, or cut in sunder.

And if vpon any account to bee made in the end & determination of the office of any such Distributers, it shal appeare that any summe of money is remaining in the hands of the said Distributers, or any of them, then the same shall be by bill indented, as is aforesaid, deliuered ouer to such persōs, as be or shalbe elected to the same Office, for y^e yere next following, by thē to be distributed as is aforesaid. This shall not in any wise extend, to giue any libertie or authoritie to any person or persons, to vse or exercise any means or engin, for the destruction of crows, or rooks, choughs or other the vermin aforesaid in any place or places, to the disturbāce, let, or destruction of the building or breeding of any kind of hawkes, herons, eggrittes, pauers, swans, or shouelers: or to the hurt and destruction of any doves, dove-houses

les, dère, or warrē of conies, nor extend
to giue or appoint any summe or summes
of money to be giuen, paid, or distributed
to any person or persons for the head or
heads of any buzzard, ring-tayle, herne,
polcat, fitchew, or skote, take in any park,
warren, or groun, employed to the main-
tenance of any game of conies, or to any
stares taken in dove-houles, nor to the
killing or bringing the head of any kite,
or rauen, killed in any city or towne cor-
porat, or within two miles of the same.

FINIS.



